

SOUTH STAFFORDSHIRE COUNCIL

STANDARDS AND RESOURCES COMMITTEE – 25 JANUARY 2024

ELECTIONS ACT 2022 UPDATE

REPORT OF CORPORATE SUPPORT TEAM MANAGER

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

1.1 To update the Committee on the Elections Act 2022.

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	Having a well-managed Electoral Services Team contributes to the objectives in the Council Plan.
	Has an Equality Impact Assessment (Equal) been completed?	
	No	Not applicable – information report only
	Has a Data Protection Impact Assessment been completed?	
SCRUTINY POWERS APPLICABLE	No	Not applicable – report to Standards and Resources Committee.
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	Not applicable.	
FINANCIAL IMPACT	No	
LEGAL ISSUES	No	
STRATEGIC RISK	No	
OTHER IMPACTS, RISKS & OPPORTUNITIES including climate impacts and health impacts if applicable	Not applicable.	

IMPACT ON SPECIFIC WARDS	No	Not applicable.
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PART B – ADDITIONAL INFORMATION

3. INFORMATION

3.1 The Elections Act 2022 makes a range of changes to electoral law and processes. The first tranche of those changes which included the introduction of Voter ID and new accessibility requirements were implemented for the elections in May 2023.

3.2 The second tranche of changes come into force in advance of the May 2024 polls. These provisions relate to:

- Absent Voting.
- Overseas electors.
- EU citizens' voting and candidacy rights.
- Postal vote handling and secrecy and commonly used names.

This paper provides an update on the changes to overseas electors and postal vote handling.

Changes to overseas electors

3.3 Extension of the overseas elector franchise

From 16 January 2024, British citizens can register as overseas electors if they are currently living abroad, and:

- are currently, or were previously, registered to vote within the constituency, either as a domestic elector before they left the UK or, as an overseas elector since they left the UK. **This is known as the previously registered condition; or**
- were previously resident in the constituency (including those who left the UK before they were old enough to register to vote). **This is known as the previously resident condition.**

3.4 There is no longer a time limit as to when they were last registered or resident in the UK. A British citizen can register as an overseas elector regardless of when they left the UK, provided they satisfy either the previously registered or previously resident criteria.

3.5 Overseas electors can only vote at UK Parliamentary elections and UK-wide referendums.

3.6 Previously registered eligibility criteria

- An applicant **must** use the previously registered condition if at any point they have been registered to vote in the UK.
- Examples of individuals who may be eligible to register under this condition include:

- a person who, before they left the UK, was registered to vote in a local or parliamentary register.
- a person who has previously been registered as an overseas elector and whose declaration has expired.
- a person last registered as basis of being a Declaration of Local Connection elector, a Merchant Seaman, an anonymous elector or as a service voter.

3.7 **Previously resident eligibility criteria**

To be eligible under the previously resident condition an applicant must have been previously **resident** in the constituency **but have never been registered to vote**. Examples of individuals who may be eligible to register under the previously resident condition include:

- a person who was too young to register when they left the UK;
- a person who was too young to register when they left the UK, and their parent or guardian was registered at their qualifying address;
- a person who was of no fixed abode when they left the UK and would have been eligible to make a Declaration of Local Connection (DLC) or who left the UK before 2001 (when DLC provisions were not in force).
- a person who chose not to register while living in the UK.

3.8 **Identity verification**

Any person who makes a new overseas elector application must provide personal identifiers (name, previous name (where relevant), NINo and DOB) which are then used to check their identity against DWP records.

3.9 **If the applicant's identity cannot be verified using DWP records, their identifiers may also be matched against local data sources.**

If we are unable to verify the applicant's identity using local data sources, we may choose to:

- use documentary evidence provided by the applicant at the time of application to verify their identity, We can only do this where elector cannot provide their NINo or DOB.
- request the applicant provides supporting documents verifying they are who they say they are under the exceptions process

If we remain unable to verify the applicant's identity after using the exceptions process, we may require them to provide an attestation, or, in some rare cases, more than one attestation, or an attestation and documentary evidence.

3.10 **Address verification**

As well as verifying the elector's identity, we are also required to verify the applicant qualifies under the condition provided in their application – either previously registered or previously resident.

For an applicant to qualify under the **previously registered condition** they must have been previously registered to vote and are required to provide the address at which they were last registered to vote in the UK. In most instances, this will involve checking previous registers where these are held, either digitally or in hard copy.

- 3.10.1 Where we no longer hold or have reasonable access to the register, we will take alternative steps to satisfy ourselves the applicant met the previously registered condition. These may include:
- Using the result of the automated match against DWP records
 - Checking other local held records
 - Using any documentary evidence provided by the applicant under the exceptions process at the time of application, or requesting such evidence where it hasn't already been provided
 - Using an attestation to confirm a connection, or in some cases more than one attestation or an attestation combined with documentary evidence.

3.10.2 Where an elector applies under the **previously resident condition** – we cannot check historic electoral registers. However, we must be satisfied the applicant was previously resident at the address. This can be achieved by similar means as the alternative verification mechanisms for previously registered condition outlined above.

3.11 Length of declaration

If an elector successfully registers as an overseas elector, then their declaration is valid for up to three years. Each declaration will expire on the third 1st November after the date the declaration has been made unless the elector renews their declaration.

3.11.1 The renewal period can begin in the last six months of their existing entitlement. Renewal declarations made within the final 6 months renews their registration for another three years.

3.11.2 We will remind overseas electors of the need to make a renewal declaration by sending a notice from 1 July immediately before the third 1 November on which their registration will end and ends with that 1 November.

3.11.3 Existing overseas electors (i.e., those with an arrangement in place before 16 January 2024) and those renewing their declaration prior to 16 January 2024 – have done so under the current requirements (e.g., making applications based on being previously registered in the last 15 years and renewing every 12 months).

3.11.4 There is no requirement for all existing overseas electors to reapply immediately. Existing declarations will continue to expire in line with provisions in place when their last declaration was made (e.g., 12 months from date added to register with renewal sent 2-3 months before expiry). When they are next required to renew their declaration, they will move to a 3-year fixed point renewal.

4.0 Changes to postal vote handling and secrecy

These provisions will be in effect for polls taking place from 2 May 2024.

4.1 Prohibition on political campaigners handling postal votes

- Political campaigners will be prohibited from handling postal votes, except where the postal vote is their own, that of a close family member (two people living

together as if they were a married couple, or civil partners are treated as if they were spouses or civil partners of each other), or someone they provide regular care for.

- They are not prohibited from handling postal votes if they do so in the course of their usual duties (for example, if they work for Royal Mail).
- A political campaigner is defined in legislation as:
 - a) a candidate at the election.
 - b) an election agent of a candidate at the election.
 - c) a sub-agent of an election agent at the election.
 - d) employed or engaged for the purposes of that person's activities as a candidate.
 - e) a member of a registered political party and carries on an activity designed to promote a particular outcome at the election (This includes displaying posters, distributing leaflets, posting promotional material on social media accounts and canvassing).
 - f) employed or engaged by a registered political party in connection with the party's political activities.
 - g) employed or engaged by a person within paragraphs (a) to (f) to carry on an activity designed to promote a particular outcome at the election.
 - h) employed or engaged by a person within paragraph (g) to carry on an activity designed to promote a particular outcome at the election.
- If found guilty of handling postal votes as a campaigner, a person could face a fine and/or imprisonment up to two years.

4.2 Limits on handing in postal votes at polling stations

There will be a limit on the number of postal votes a person can hand in at a polling station – they will not be allowed to hand in **more than five postal ballot packs for other electors plus their own** (Where the elector has been appointed as a proxy postal for another elector – handing in the proxy postal would count towards one of the five for other electors).

If a person hands in more than five postal ballot packs for other electors, all the postal votes (other than their own) will be **rejected**.

If there is reason to suspect that a person has already handed in the maximum number of postal votes on any previous occasion at the election, any subsequent postal votes handed in will be **rejected**.

4.3 Completion of postal vote documents form

- Anyone handing in postal votes will need to complete a '**return of postal voting documents**' form.
- The person handing in the postal vote(s) will need to complete the form with their name, address and the reason for handing in other people's postal votes (where appropriate).
- They will also need to complete a declaration that they are not handing in more than the permitted number, and that they are not a political campaigner.
- If the form is not completed with all the required information, or to the authorised officer's satisfaction, the postal vote(s) will be rejected.
- Rejected postal votes will not be included in the count.

- After the election, the Electoral Registration Officer (ERO) will write to electors who have had their postal votes rejected, telling them why.

4.4 Postal votes which are 'left behind'

- Postal votes will not be accepted if they are simply left at a polling station.
- If a person hands in postal votes without completing the return of postal vote documents form, the 'left behind' postal votes must be rejected.
- After the election, the ERO will write to electors who have had their postal vote rejected because they were left behind.

4.5 Handing in postal votes to the Returning Officer

- Electors sometimes hand postal votes in directly to the Returning Officer in advance of the election, and on polling day itself.
- The same restrictions, limits, and requirement to complete a form which apply at polling stations, will also apply to postal votes handed to the Returning Officer or at council offices.
- We will accept postal votes handed in personally at the Council Offices, reception staff will be trained to ensure the return of postal voting documents are completed.
- Any postal votes which are left at any council building without the 'return of postal voting documents' form being completed will be **rejected**.
- We cannot accept any postal votes which are left in the council mailbox, or which are put in the internal mail system.
- Notices will be displayed on the council mailbox to inform electors that their completed packs must not be put in the mailbox and that they will be rejected.

4.6 Secrecy requirements extended to postal and proxy votes

- The secrecy requirements which apply at a polling station are being extended to postal and proxy votes.
- It will be an offence to try to find out how someone has voted when completing their postal vote, or to communicate how a postal or proxy voter has voted.
- Anyone found guilty of breaching the secrecy requirements could face a fine or imprisonment up to six months.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

5.1 Further details of any impacts as necessary.

Not applicable.

6. PREVIOUS MINUTES

Not applicable.

7. BACKGROUND PAPERS

Not applicable.

8. APPENDICES

Not applicable.

9. RECOMMENDATIONS

9.1 To note the contents of this report.

Report prepared by: R Harris, Corporate Support Team Manager