

SOUTH STAFFORDSHIRE COUNCIL

STANDARDS AND RESOURCES COMMITTEE – 26 JANUARY 2023

ELECTIONS ACT 2022

REPORT OF ASSISTANT DIRECTOR PARTNERSHIPS

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

- 1.1 To receive an overview of the impact and provisions of the Elections Act 2022.

2. RECOMMENDATIONS

- 2.1 That the provisions and associated impact in respect of the Elections Act 2022 be noted.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The efficient and effective running of elections is critical to the democratic process that underpins the operation of the Council.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	Not needed at this stage. Impacts will be assessed when details are available.
SCRUTINY POWERS APPLICABLE	No	Report to Standards and Resources Committee
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	May 2023	
FINANCIAL IMPACT	No	New Burdens Funding has been made available to cover some of the additional costs under the Act: £19,270 has been received for 2022/23 and £36,041 has been allocated for 2023/24. It is not envisioned that the additional finance cost will exceed the funding available.
LEGAL ISSUES	Yes	The Act imposes new statutory requirements; as set out in the report, these will need to be

		incorporated into policies and procedures as full details become known.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	

PART B – ADDITIONAL INFORMATION

4. INFORMATION

The purpose of this report is to provide Members with an update on the Elections Act 2022 which received Royal Assent on 28 April 2022. The Act contains various proposals including the introduction of voter identification which will impact on how all elections are conducted in England. The Department for Levelling up, Housing and Communities (DLUHC) are still developing policy and the relevant secondary legislation, therefore, further detail will be shared with Members once available.

4.1 The Elections Act

The Act's scope is wide ranging and covers the following aspects:

For May 2023:

- requires voters to show photo ID at polling stations before a ballot paper is issued.
- requires Electoral Registration Officers based in local authorities to issue free electoral identification documents – so called 'Voter Authority Certificates' to eligible electors who apply for one.
- the introduction of a new digital imprints' regime requiring campaigners to explicitly show who they are and on behalf of whom they are promoting (in a similar way to printed material).
- extend accessibility to elections including requiring Returning Officers to take all reasonable steps to provide support for those with a disability in polling stations.

After May 2023:

- requires postal voters to reapply for a postal vote every three years, replacing current rules of refreshing their signature every five years.
- restricts the handling of postal votes, including limiting the number of postal votes an individual can hand in at a polling station or council office.
- further limit the number of people someone may act as proxy for.
- simplify and clarify the offence of undue influence.
- change the voting and candidacy arrangements for EU voters.

- allow all British citizens living overseas to vote in UK Parliamentary elections, regardless of when they left the UK.

It also covers other areas such as improving the accountability of the Electoral Commission and setting up a new framework around expenditure and party-political financing. This will not be covered as part of this report.

4.2 Voter Identification

Voters will be required to show an approved form of photographic identification before collecting their ballot paper to vote at a polling station for UK Parliamentary Elections (From October 2023), UK Parliamentary by-elections, local elections, Police and Fire Crime Commissioner and recall petitions elections in England and Wales. This requirement will be in place for the May 2023 local elections.

Acceptable forms of Photo ID include:

- A passport issued by the UK, EEA or a Commonwealth country
- A driving licence issued by the UK, any of the Channel Islands, the Isle of Man or an EEA state
- Blue Badge
- A biometric immigration document issued under the UK Boarder Act 2007
- A PASS cards
- A ministry of defence identification card
- Concessionary travel pass cards funded by the UK and Devolved Governments including:
 - a. Older Person's Bus Pass
 - b. Disabled Person's Bus Pass
 - c. An Oyster 60+ Card
 - d. A Freedom Pass
- Voter Authority Certificate
- Anonymous Elector Document

Some forms of photographic identification not included on the list were considered but were ultimately ruled out as they did not satisfy the criteria, and thus will not be accepted if an elector presents them as identification to vote. This includes work/student passes and rail cards.

The Act does contain a provision for a Presiding Officer to accept one of the documents even if expired, provided the picture is of a reasonable likeness to the elector. However, the name on the identification should be the same name as when registered to vote.

A national awareness campaign will be run by the Electoral Commission starting in January 2023 with the 'note to self' campaign.



South Staffordshire will also have an engagement and communication strategy in place to ensure that electors understand the new voter ID requirements. This will continue to take place over several elections until such time as it is considered 'Business as Usual' like it is in Northern Ireland.

Poll cards will be increased in size from A5 to A4 to accommodate new information regarding voter ID and acceptable forms of documentation that can be provided.

New signage will be placed outside of all polling stations across South Staffordshire informing electors of the new Voter ID rules and the documents that will be accepted by polling station staff. Statistics will also be collected by Polling Station teams to ascertain how many electors did not have the correct form of ID. This will be used by the Electoral Commission to drive national policy change and to target key areas during future awareness campaigns.

4.3 Voter Authority Certificates (VAC)

Where an elector does not have any form of photo identification, an elector can apply for a Voter Authority Certificate which will be free of charge, via a bespoke government portal similar to register-to-vote, by post or in person from their local authority via the Election Registration Officer.

Current research is suggesting that around 2% of people may require identification to be issued and in South Staffordshire that translates to around 1700 electors. However, the true figure could be higher as electors are still able to apply for a card even if they already have a valid form of ID.

The deadline for applying for a free, local voter card will be set at , six working days ahead of the poll.

Voter ID will be implemented for the May 2023 polls. The Voter ID portal will go live around mid-January 2023 to allow electors good time to apply for a voter ID card with most certificates printed by a Government contracted print service. In the event of too close to the deadline for the printer to post the document, the ERO will be responsible for producing a temporary document.

VACs will not have an expiry date but will include a recommended renewal date of around 10 years. This document is only valid so long as the photograph remains a good likeness of the individual. Therefore, 10 years has been used as this is the standard length of validity for passports and driving licences and aims to keep the photo up to date.

In the unfortunate event that an elector loses all their forms of identification before the deadline for applications for a Voter Authority Certificate has passed, or if their identification is stolen, destroyed or damaged beyond use, they may apply for a Voter Authority Certificate using the usual application routes.

If they lose their identification after the deadline for applications for a Voter Authority Certificate, the ERO will have the ability to allow the appointment of an emergency proxy for that polling day.

Additional measures will be taken to ensure the appropriate processing of individuals who cover their faces for religious or other sensitive reasons. We will ensure that there is provision in all polling stations that allows electors ID to be verified in private, if requested.

Each presiding officer and poll clerk will be responsible for inspecting identification. However, only the presiding officer can refuse to give a ballot paper to an elector if they have reasonable doubt that the photographic identification does not look like the elector or if they reasonably suspect forgery. The decision of the presiding officer is final and cannot be challenged other than by a formal election petition.

4.4 Simplify and clarify the offence of undue influence as well as introducing a new offence around intimidation of candidates, campaigners and elected office holders from intimidation and abuse

Clarification of undue influence - Electors should be able to cast their vote freely and safely, this is at the centre of democracy. Although it is already an offence to unduly influence an elector, the Act clarifies and updates the offence so that:

- Undue influence encompasses a wide range of harms, such as physical violence, damage to a person's property or reputation, undue spiritual pressure and injury, or inflicting financial loss.

- Deceiving an elector about the conduct or administration of an election or referendum can also amount to undue influence.
- Intimidation of electors is explicitly listed as a form of undue influence.

4.5 Accessibility

The Act seeks to improve the electoral process for people with disabilities, placing a new requirement on Returning Officers to consider a wider range of support for voters with disabilities in polling stations. This will be supported through the Electoral Commission's guidance produced in partnership with the Government's expert Accessibility of Elections Working Group.

The Act removes current restrictions on who can act as a 'companion' to support voters with disabilities to cast their vote in the polling station and will allow the elector greater choice. Currently an elector's companion must be a close relative or a qualified elector.

The Act requires each polling station to be equipped as is reasonable to enable, or make it easier for, voters with sight loss to vote, as well as people with other disabilities. In addition, there is a legal obligation to provide the following:

- A notice inside and outside the polling station providing instructions on how to vote at the election.
- A notice in each polling booth providing information on how to mark the ballot paper at the election.
- At least one large sample copy of the ballot paper must be displayed inside the polling station.
- An enlarged hand-held copy of the ballot paper.

4.6 Absent voting

Postal Voting

There are 3 three main areas where the current arrangements will change:

- Postal voters will be required to make a fresh application every 3 years (from January 2024)
- Political parties and campaigners will no longer be able to hand in postal votes (likely from December 2023).
- Introduces a limit on the number of electors on behalf of whom a person may hand in postal votes at a polling station (likely from December 2023).

By reducing the period that electors will have to reapply for a postal vote, the Government is seeking to ensure that person's eligibility to vote by post will normally be reviewed and confirmed once every Parliament. In effect a permanent postal vote will cease to exist. In addition, it is seeking to reduce the inefficiency and

wasted cost of postal votes being sent to out-of-date addresses, where it is said they are vulnerable to interception and fraud.

It is expected that there will be a limit on the number of postal votes a person can hand in at a polling station or Council office. It is expected that this will be a limit of 5 plus the persons' own postal vote. The rationale behind this is under the current regime by permitting a high number of postal votes to be handed in, this could facilitate electoral fraud and undermine the integrity of elections.

Proxy voting

Currently, someone can act as a proxy for up to two electors and an unlimited number of close relatives. The Act states that, irrespective of any close relationship, you can only act as a proxy for 2 domestic electors and 2 overseas electors.

Anyone acting as a proxy for more than 2 domestic and 2 overseas electors will be guilty of an offence. It is likely that this will come into effect from August 2023.

The Government have confirmed that Electors will be able to apply for an absent vote online (as well as by paper). Both online and paper applications will include a process for verifying the applicant's identity, which will be similar to the current process for individual electoral registration applications. This service is expected to be available from August 2023.

4.7 Overseas electors

The measures in the Act remove the 15-year rule and enable all British citizens overseas who were previously registered or resident in the UK to participate in UK Parliamentary elections. This service is expected from August 2023.

The registration period for overseas electors will be extended from one year to up to three years (currently an overseas elector needs to reapply every year) and electors will be able to reapply or refresh their absent vote arrangements (as appropriate) at the same time as renewing their registration.

Overseas electors will be able to register at an address where they were previously registered, or if they were never previously registered, where they were last resident.

4.8 Voting and candidacy rights of European citizens

During the UK's membership of the European Union, it was a requirement of membership that EU Citizens living in the UK could both stand and vote in local elections across the UK. These rights were reciprocated to UK citizens living in all EU Member States.

EU citizens will no longer automatically be able to register to vote, vote, and stand for election. This measure will amend the local voting and candidacy rights of EU citizens in local elections, it will affect all elections that use the Local Government franchise (Local, PCC, Parish, Referendums). However, two groups will retain their rights as such:

- 'qualifying EU citizens' from countries with reciprocal agreements, and who have leave, or do not require it, to remain in the UK. Currently Luxembourg, Poland, Portugal and Spain.
- 'EU citizens with retained rights' who were resident in the UK before 1 January 2021
- Does not affect Irish, Maltese and Cypriot citizens

This change will not take place until after the Local Elections in 2023 (expected in Spring 2025).

From May 2024, EROs will be required in accordance with the new legislation to review existing electors and process applications in line with the new eligibility criteria thus removing EU citizens from the register who are not eligible to be registered to vote.

4.9 Commonly used names and candidate addresses:

The UK Parliamentary Election Rules will be amended for May 2024 polls on the following:

- a candidate to use a commonly used name where they commonly use a surname that is different from any other surname the candidate has,
- or commonly uses a forename that is different from any other forename the candidate has.
- or otherwise commonly uses one or more forenames or a surname in a different way from the way in which the candidate's names are stated on the nomination (for example, where the commonly used names are in a different order from the names as so stated, include only some of those names, or include additional names).
- candidates who suppress their home address to provide the relevant area (the district, county, London Borough, County Borough or local government area) where their address is located instead of the constituency.

4.10 Changes to the Electoral System

The Act includes which change the voting system for all Police and Crime Commissioner (PCC) elections, elections for Combined Authority Mayors, Local Authority Mayors in England, and elections for the Mayor of London from the Supplementary Vote System to the Simple Majority Voting System, also known as First Past the Post (FPTP).

These changes are expected to implemented from May 2023.

4.11 New Burdens Funding

There will be three funding mechanisms for the new burdens being brought about by the Elections Act which will be paid via Section 31 Grants:

- Grants – allocated based on a funding allocation model in the form of a single yearly payment
- Justification Led Bids (JLBs) – fund released retrospectively based on a justification led bid (evidence of spend)
- Hybrid – proportion of the allocation will initially be distributed early in the year by grant. Later in the year, a bidding process will be undertaken where authorities can claim the value of additional funds required, along with evidence of spend.

Regarding accessibility, each authority will be provided with New Burdens funding for accessibility equipment, staff time (costed for 10 mins additional set up time for accessibility related equipment) and training (10 minutes additional training for PS staff and one additional day training for all tranche 1 policies for electoral services team).

Each authority will be provided with New Burdens funding in relation to implementing the requirements of Voter ID. This includes:

- Renumeration of electoral staff admin time (processing of Voter Authority Certificate applications 6 mins online 8 mins paper).
- Polling staff costs (one additional poll clerk per polling station for year 1 and year 2 and every year a general election takes place).
- Equipment costs (one camera and one printer scanner for temporary Voter Authority Certificate where required and one privacy screen and mirror per polling station). In addition to the requirements of accessibility.
- Poll card costs (difference between the current poll card and the new one (A4 and enveloped) and differences in the delivery fee).
- Storage costs (where required additional storage space for privacy screens and mirrors).
- Training costs (30 minutes additional training for PS staff and one additional training for all tranche 1 policies for electoral services team).
- By-election costs and contact centres (one temporary contact staff member for 2023 and 2024 for two months before elections).

The Council received its funding allocation of £19,270 for 2022/2023 and is due to receive £36,041 for 2023/24.

Nov 2022	Accessibility (Grant)	Voter ID (Grant)
	<ul style="list-style-type: none">• General Equipment	<ul style="list-style-type: none">• Electoral Staff costs• Training (Electoral Services Team

	<ul style="list-style-type: none"> • Training (Electoral Services Team) 	
April 2023	Accessibility (Grant) <ul style="list-style-type: none"> • Training (poll staff) 	Voter ID (Grant) <ul style="list-style-type: none"> • Electoral staff costs • Polling station staff costs • Training (poll station staff) • Poll cards
Nov 2023	Accessibility (JLB) <ul style="list-style-type: none"> • Equipment costs • Staff time costs 	Voter ID (JLB) <ul style="list-style-type: none"> • Equipment costs (privacy screens, mirrors, cameras) • Electoral staff costs • Equipment storage costs

- 4.12 In summary, the Act will present numerous challenges for the RO, ERO, elections team and wider council. Plans are being put in place to manage these challenges to ensure the safe and efficient delivery of elections in May 2023 and beyond.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

Not applicable.

6. PREVIOUS MINUTES

Not applicable.

7. BACKGROUND PAPERS

Elections Act 2022

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