



Report to Standards and General Purposes Committee

Date: 13 April 2023

Title: Elections Act 2022 Implementation

Relevant Councillors: all councillors

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Ward(s) affected: all wards

Reason for decision: To receive an update on changes to electoral registration and election processes arising from the Elections Act 2022, including the requirement for electors to show valid photo ID when voting in person at a polling station from May 2023.

Recommendations:

- 1) That the changes to electoral registration and election processes arising from the Elections Act 2022, including the requirement for electors to show valid photo ID when voting in person at a polling station from May 2023, be noted.
- 2) That the Head of Democratic & Electoral Services; Electoral Services Manager, Deputy Electoral Services Manager; and Senior Electoral Services Officer be appointed Deputy Electoral Registration Officers with powers to issue Temporary Voter Authority Certificates.
- 3) In light of the additional responsibilities and implications arising from the Elections Act, authority be delegated to the Returning Officer to review, keep under review, and amend as necessary the Fees and Charges Order for all future elections, having regard to guidance issued by the Department for Levelling Up, Housing & Communities.

1. Background

- 1.1 This report provides an update on the implementation of Elections Act 2022 in Buckinghamshire. The Act changes the way UK parliamentary elections, local elections, referendums and police and crime commissioner elections and electoral registration is administered. The headline change is the new requirement for electors to show identification when they vote at a polling station from 4 May 2023, however

the more technical changes to electoral registration, being implemented in phases, are also significant. Some of the Act's forthcoming changes are subject to Statutory Instruments being made. As such, the information in this report may be subject to change.

1.2 Buckinghamshire's key electoral statistics

Electorate	412,797
Overseas electors	861 (estimated increase to 3,000)
Voter Authority Certificates	8,300 – 25,000 (estimated 2-6% of electorate)
Postal votes	63,151
Polling Stations / Presiding Officers	366
Poll clerks	570 (estimated increase to 720)

2. Main content of report

2.1 This report sets out the following reforms arising from the Elections Act 2022:

May 2023

- Electoral Registration Officer (ERO) to issue a free Voter Authority Certificate (VAC) to eligible residents who apply for one because they do not already have valid photo ID to show to polling staff when they vote in person.
- Voters to show ID at polling stations before a ballot paper is issued.
- Improvement of support in polling stations for people with a wider range of disabilities through a general responsibility on the Returning Officer (RO) to consider the needs of people with disabilities and provide equipment to support voting. Anyone over the age of 18 will be able to act as a companion to assist a voter with a disability in a polling station.

October 2023

- Voter ID requirements come into effect for UK Parliamentary elections from 5 October.
- Absent vote (postal & proxy) applications can be made online. This will include a process for verifying the applicant's identity. This is expected to be similar to the way electors already register to vote via gov.uk
- New postal and proxy voting restrictions will apply. This means that the maximum period someone may apply for a postal vote will be three years and after that a fresh application must be made. A transition period will apply for electors with existing postal votes. A person will be limited to being a proxy for a maximum of two domestic electors and two overseas or service voters.

January 2024

- The 15-year limit on expatriates' right to vote in UK Parliamentary elections will be removed and all British citizens overseas who were previously registered or resident in the UK will be enfranchised.

May 2024

- New postal vote handling rules will apply from May 2024 polls. This bans political campaigners from handling postal votes, and places a limit on the number of postal votes a person can hand in to a polling station or to the council offices on someone else's behalf.
- New voting and candidacy arrangements for EU citizens will take effect after the May 2024 polls.

Voter Photo Identification & Voter Authority Certificates

- 2.2 For elections held on 4 May 2023 onwards, electors will be required to show an approved form of photographic identification before voting in a polling station. A passport, driving license, immigration document, a PASS card, Ministry of Defence Form 90, concessionary travel pass (excluding railcards) and national ID card are acceptable. It does not matter if the photo ID has expired, provided that the photo remains a true likeness of the person.
- 2.3 Any elector who does not have any of the acceptable forms of photo ID may apply for a voter identity document free of charge. This is known as a Voter Authority Certificate (VAC). A VAC shall remain valid as long as the photo remains a true likeness of the elector. They are expected to last around 10 years. Electors can apply for a VAC online <https://www.gov.uk/apply-for-photo-id-voter-authority-certificate> Just under 100 electors have applied for a VAC in Buckinghamshire since the service went live in January. The deadline to apply for a VAC is 5pm six working days before polling day.
- 2.4 There may be circumstances when a temporary VAC may need to be issued to electors, for example when a VAC application has been received before the deadline, has been printed and posted to the elector, but has not been received by the elector in time for polling day. A Temporary VAC may only be used once by an elector. A Temporary VAC can only be issued by the Electoral Registration Officer (ERO), or their deputy. Nick Graham is the Council's ERO and there are no deputy EROs currently appointed. Only the Council can appoint Deputy EROs. To provide resilience the Committee is asked to agree that the Head of Democratic & Electoral Services, Electoral Services Manager, Deputy Electoral Services Manager, and Senior Electoral Services Officer are appointed Deputy EROs for the purpose of issuing a Temporary VAC.
- 2.5 Special arrangements will be in place for electors registered to vote anonymously. They will need to provide an Anonymous Elector Document (AED) in addition to the current requirement to provide a poll card when voting in person at a polling station.

Due to the need for electors to show photo ID before voting, polling stations will have provision for electors to produce their ID in private, if requested. For example, to enable religious clothing worn over the face to be removed so polling staff can verify the elector's identity before they are issued a ballot paper.

- 2.6 Whilst Buckinghamshire does not have scheduled elections on 4 May 2023, the requirement for voters to show photo ID will also apply to other elections from this date. This includes by-elections and neighbourhood planning referendums (NPR). On average one by election/NPR is held each month in Buckinghamshire. Polling staff will receive training on the process for checking electors' photo ID which will be incorporated into the polling staff training.
- 2.7 The Electoral Commission (EC) has updated its recommended polling staff levels taking account of the requirements for electors to show photo ID. The staffing requirements for polling stations in Buckinghamshire have been reviewed and updated in light of this. An additional 21 Presiding Officers and 150 poll clerks will be required in Buckinghamshire for a combined national and local election or standalone UK parliamentary election. Work is being undertaken to advertise and recruit additional polling staff.
- 2.8 The EC are currently running a national communications campaign to raise awareness of the photo ID requirement among voters. Whilst no elections are scheduled to be held on 4 May 2023 in Buckinghamshire, a local communications plan is in place to cover forthcoming by elections and neighbourhood planning referendums.

Accessibility

- 2.9 For elections taking place from May 2023, the RO will have a general duty to take all reasonable steps to support voters with disabilities. Whilst there is already a requirement to provide support to electors with disabilities this is being widened to move away from prescribed measures. From May 2023, voters will also be able to receive assistance from a companion over the age of 18.
- 2.10 Almost all of the required accessibility measures were already in place in Buckinghamshire. However, all polling stations have been surveyed to assess their current accessibility. Extra equipment has been purchased. This includes pencil grips to make it easier for electors with limited dexterity to hold a pencil when marking their ballot paper. Local accessibility groups have been contacted to inform our planning. The support available to all electors has also been published on the Council's elections and voting web page.
- 2.11 A polling district and polling places review will be carried out later in the year once the new boundaries for both Parliamentary constituencies and the new wards for Buckinghamshire Council have been published. This review will include an assessment of accessibility.

Absent Voting (postal and proxy voting)

- 2.12 From October 2023, electors will be able to apply for an absent vote (postal & one off proxy) online. Electors can already register to vote via gov.uk, and this will be extended to include absent vote applications. Absent vote applications can continue to be made on a paper form. The applicant's identity will be checked as part of the absent vote application. This is already in place for new applications to register to vote.
- 2.13 Postal vote applications will last a maximum of three years before a fresh application will be required. A transition period will apply for electors with existing postal votes in place. Currently, electors may apply for a postal vote until further notice, with a fresh signature required every five years.
- 2.14 Applications for a permanent proxy, only allowed for medical reasons or due to being registered to vote overseas or as a service voter, will continue to require a paper application. A person will also be limited to being a proxy for a maximum of two domestic electors and two overseas or service voters.
- 2.15 From May 2024, new postal vote handling rules will take effect. This will ban political campaigners from handling postal votes. The Electoral Commission already provide guidance on the handling of postal votes in their Code of Conduct for Campaigning, however local communications will be important to ensure that all local political parties, candidates and their campaigners are clear on what the rules are, especially those new to campaigning. Local election agents have already been sent information about forthcoming changes arising from the Election Act. Once these rules take effect the letters given to candidates and election agents when they submit a valid nomination will be updated to reflect the ban on handling postal votes. For scheduled elections, briefings are arranged by Electoral Services and held with candidates and election agents prior to an election to provide important information about the election process. This will include information about the ban on handling postal votes. Representatives from the Police and Electoral Commission will also be invited to attend these briefings.

Election Staff

- 2.16 Polling staff will have additional responsibilities going forward as the Election Act changes are introduced. Staff will need to receive additional training explaining the new procedures to follow. There will also be a need to attract and recruit additional polling staff, in line with the updated Electoral Commission recommended staffing levels.
- 2.17 DLUHC have advised that they will shortly be issuing new guidance on the fees to pay polling staff in light of the Election Act changes. The current fees paid to election staff are set out in the Council's Fees and Charges Order which was agreed before the combined local and Police and Crime Commissioner Elections held on 6 May 2021. It will therefore be necessary to review the fees currently paid to election staff, and to keep these under review.

2.18 The Committee is therefore asked to agree that authority be delegated to the RO to carry out a review of the fees paid to election staff, as set out in the Fees and Charges Order, and to keep this under review to ensure consistency with new staff responsibilities, DLUHC guidance, and the fees paid by both neighbouring, and similar sized, authorities.

EU Citizens' Voting and Candidacy Rights

2.19 From May 2024, EU citizens will no longer automatically be eligible to register to vote, vote and stand for election. This will apply for all local elections, referendums, Police and Crime Commissioner elections and those where the local election franchise is used.

2.20 Two groups of EU citizens will retain their rights:

- 'qualifying EU citizens': from countries with reciprocal agreements, and who have leave, or do not require it, to remain in the UK. This is currently Luxembourg, Poland, Portugal and Spain.
- 'EU citizens with retained rights': who were resident in the UK before 1 January 2021. Electoral Services will need to review existing EU electors registered to vote, and process applications in line with the new eligibility criteria. As yet the process we will follow is still in development by DLUHC and we are awaiting more details. Communicating this change will be important to ensure electors are aware.

Overseas Electors

2.21 From January 2024, the current 15-year limit on voting rights for British citizens living overseas will be removed, and overseas electors will be able to register at an address where they were previously registered, or if they were never registered, where they were last resident. Once an elector is registered to vote overseas they will need to renew their registration every 3 years, rather than the current annual renewal process. There are currently just under 1000 overseas electors registered to vote in Buckinghamshire and guidance indicates that this number could triple due to this change. Many overseas registrations happen in the period immediately before a UK Parliamentary election. The EC will lead on the national and international communications.

Funding

2.22 Initial grant funding has already been received from DLHUC to cover the costs incurred to date to implement the changes. DLUHC have committed to providing additional grant funding to cover forthcoming changes. There is a provision for the ERO/RO to claim additional funding, via a justification led bid, where expenditure necessary for implementation has not already been provided from the grant. After two years grant

funding will cease and the funding for continued delivery of the changes will be incorporated into the overall funding the Council receives from central government.

Communications

- 2.23 The EC are leading on the national communications for Elections Act changes. Localised communications will also be provided by the Council. Electoral Services have been working with the Communications team to develop a communications plan for Buckinghamshire. We have already engaged with local accessibility groups on the forthcoming changes. It will also be important for other community stakeholders, such as town and parish councils and elected members, to support messaging locally, where possible.

3. Summary

- 3.1 The Elections Act will significantly change the way electoral registration and elections are delivered as changes are implemented over the next 18 months. There is a need to appoint Deputy EROs with powers to issue a Temporary VAC. Polling staff will have extra responsibilities and additional polling staff we need to be recruited. This, combined with new guidance expected from DLUHC on staffing arrangements, necessitates a review of the current staffing fees, and will require these to be kept under review. Communication of the changes being implemented will be important, and whilst this will be led nationally by the EC, locally a communications plan is in place to ensure that electors and other stakeholders are informed.

4. Next steps and review

- 4.1 Following endorsement of this report and agreement of the associated recommendations, the RO will carry out a review of the election Fees and Charges Order, and Deputy EROs will be appointed to enable the issue of a Temporary VAC. The Electoral Services Team will continue to deliver the Election Act changes as they come into effect. Communications will be issued, as required, and as set out in the communications plan.

