

<b>REPORT TO:</b>		Cabinet	
<b>DATE:</b>		21 September 2022	
<b>PORTFOLIO:</b>		Councillor Joyce Plummer, Resources	
<b>REPORT AUTHOR:</b>		Jane Ellis, Executive Director (Legal & Democratic Services)	
<b>TITLE OF REPORT:</b>		Elections Act 2022: Update	
<b>EXEMPT REPORT (Local Government Act 1972, Schedule 12A)</b>	<b>No</b>	Not applicable	
<b>KEY DECISION:</b>	<b>No</b>	If yes, date of publication:	

## 1. **Purpose of Report**

- 1.1 To advise members of the upcoming changes to elections as a result of the Elections Act 2022

## 2. **Recommendations**

I recommend that Cabinet notes this report.

## 3. **Context and Reasons for Recommendations and context**

- 3.1 The Elections Act 2022 seeks to make a number of changes to the elections process at local, Parliamentary and PCC elections. The Act is intended to reduce the risk of election fraud, whilst make the voting process more accessible, both physically and through greater use of digital technology. The main changes are summarised below:

### 3.2 **Voter ID Requirement**

Voters will be required to produce an approved form of photographic ID at the polling station before they can be issued with a ballot paper. The Council must provide either a permanent or an interim Voter Card (a photographic ID document) free of charge to voters who do not have one of the approved forms of photographic ID, such as a passport or driving licence.

We will be required to deal with voter enquiries, determine voter card applications and then print and issue the same. The Government are currently indicating that the voter cards will have an A4 paper format with “inherent

security features". Producing the cards will require sufficient trained staff and the necessary (but currently unspecified) equipment / technology.

Applications for a voter card may be submitted up to 6 working days before polling day. Anyone whose ID is no longer available on polling day (e.g. lost or stolen) can apply for an emergency proxy up to 5.00pm on polling day.

It is currently suggested that the voter ID requirement will be brought into force from January 2023.

### **3.3 Three Yearly Postal Vote Refresh**

The maximum "life" of a postal vote will be limited to 3 years and thereafter voters will have to submit a fresh application. It is anticipated that we will be asked to write to all existing postal voted holders to advise them of the change and will also have to issue reminders to voters on an ongoing basis when their postal vote is about to expire. The reapplication and reminder process will be an additional administrative requirement, especially as we have approx. 11,500 postal vote holders currently.

The implementation date for this new requirement is currently unknown.

### **3.4 Accessibility**

We will be required to improve support in polling stations for people with a wide range of disabilities and will be subject to an obligation to provide equipment to support disabled people to vote.

We don't have full details of the new obligation, but the objective is clearly laudable. However, there may be cost implications if all polling stations are required to have disabled access. A small number of ours currently do not, including those based in porta cabins. There will be increased costs and possible logistical difficulties of providing suitable ramps for the same, given the size of wheelchair accessible ramps.

The implementation date for this new requirement is currently unknown.

### **3.5 End Of Supplementary Voting**

The count at PCC elections will move to the "first past the post" system which will reduce the length and complexity of such counts.

### **3.6 Political Campaigners Banned From Handling Postal Votes**

Political campaigners will be banned from handling postal ballot papers (unless they are a family member or carer of the voter concerned) and a new criminal offence will be created.

We take steps to make candidates and political parties aware of the new rules which create the potential for an increase in complaints and allegations of malpractice in the pre-election period.

It is currently thought that these rules will be introduced in Autumn 2023.

### **3.7 Limit On Handing In Postal Votes**

There will be a limit (still to be set) on the number of postal votes a person (including candidates and party workers) can hand deliver to the Council. When a person hands in postal votes they will be required to fill in a form, giving their name and address and the number of electors whose postal votes

they are delivering to us. If this information is not provided the postal votes will be rejected. If a person insists on handing in more than the permitted number all the postal votes will be rejected. We then have to notify all those voters whose votes have been rejected.

We will take steps to make candidates and political parties aware of the new rules. Elections staff will be required to keep a running tally of the number of postal votes each person hand delivers to the Council in the pre-election period to ensure that the threshold is not exceeded.

It is currently thought that these rules will be introduced in Autumn 2023.

### 3.8 **Limit on proxy's**

People will only be able to act as a proxy for 4 voters (including overseas and service electors), and so in most cases the limit will be 2. Although not legally required to do so, it is likely that elections staff will monitor proxy appointments to ensure that the limit is not exceeded and we will take steps to raise awareness with candidates and the political parties.

### 3.9 **Online absent vote applications**

Although paper applications will still be possible, people will be able to apply online for postal and proxy votes and there will be a new online process for verifying the identity of applicants. Details of the new arrangements are currently unknown.

### 3.10 **Overseas electors**

The 15 year limit on expatriates right to vote in Parliamentary elections will be removed and ex-pats will be able to register in respect of their last UK address. We will be required to verify such applications, including the claimed connection to a previous UK address

## 4. **Alternative Options considered and Reasons for Rejection**

4.1 Not applicable, as the Council is required to comply with legislation.

## 5. **Consultations**

5.1 None, but Corporate Management Team have been made aware of the requirements of the legislation and the possible operational and financial impact for the Council.

## 6. **Implications**

<p><b>Financial implications (including any future financial commitments for the Council)</b></p>	<p>Currently unknown, as set out in paragraph 3 of the report.</p> <p>It is likely that the Council will receive New Burdens funding in respect of the costs of implementing the new legislation, for example in respect of the purchase of equipment, software</p>
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	updates, temporary additional staffing etc.
<b>Legal and human rights implications</b>	These are outlined in paragraph 3 of the report. The Government will have assessed the human rights implications of the new legislation as part of the legislative process.
<b>Assessment of risk</b>	<p>There are a number of risks associated with implementation of the legislation.</p> <p>Firstly, the changes are likely to have cost implications, but we have yet to receive details of the additional funding to be provided to support implementation.</p> <p>Secondly, we only have an outline of the new requirements. The legislation envisages that the Act will be supplemented by regulations and guidance, but these have not yet been published which limits our ability to plan fully for implementation at this stage.</p> <p>Thirdly, although there will presumably be a national media campaign to raise public awareness in respect of voter ID requirements, but this will need to be supplemented by local activity. In the first year at least I expect that we will see a significant increase in customer enquiries in the pre-election period, which will place additional demands on the contact centre, elections team and our polling station teams.</p> <p>Officers will keep risks under review as more becomes known about the timetable for implementation of the new rules and as the details of the implementation process emerge.</p>
<b>Equality and diversity implications</b> <i>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	<p>There are no equality and diversity implications arising from this report.</p> <p>The new obligations to assist disabled voters and to promote the accessibility of polling stations will have equality benefits for voters.</p>

**7. Local Government (Access to Information) Act 1985:**

## **List of Background Papers**

7.1 None.