

**Name of meeting:** Corporate Scrutiny Panel  
**Date:** Monday 7 February 2022  
**Title of report:** The Elections Bill 2021 Update

**Purpose of report:**

The purpose of this report is to provide members with information relating to the Elections Bill 2021 that is currently progressing through Parliament.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ? N/A	Not Applicable
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall – 25 January 2022
Is it also signed off by the Service Director for Finance?	Not Applicable
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Not Applicable
Cabinet member <a href="#">portfolio</a>	Councillor Paul Davies

**Electoral wards affected:** All

**Ward councillors consulted:** Not Applicable

**Public or private:** Public

**Has GDPR been considered?** The report does not contain any personal data.

## **1. Summary**

- 1.1 The Elections Bill (the Bill) contains various proposals which will impact on how electoral registration and elections are delivered the UK. The Bill has recently gone through the second stage in the Commons and is expected to have Royal Assent by May 2022.
- 1.2 It is therefore important to note that the Bill will have no impact on how we conduct the May 2022 District Council elections.

## **2. Information required to take a decision**

### **2.1 Background - The Elections Bill Key Elements**

The Bills scope is wide ranging and covers the following areas:

- Requirement for voters to present ID at polling stations before a ballot paper is issued.
- Requires Electoral Registration Officer (EROs) based in local authorities to issue free voter identification cards to those without a valid form of photo ID. Please see appendix 1 for confirmed accepted voter ID documents.
- Requirement for postal voters to reapply for a postal vote every three years, this replaces the current rules whereby a postal voter must refresh their signature every five years.
- The Bill seeks to restrict the handling of postal votes by campaigners and limits the number of postal votes that any individual can hand in at a polling station. The current suggestion is that this could be limited to two.
- Requirement for applicants for postal votes to undergo identity checks.
- Online absent vote application portal to be implemented.
- Further limit the number of people someone may act as a proxy for.
- Allow all British citizens living overseas to register to vote for UK Parliamentary elections, regardless of when they left the UK. This would remove the current 15-year limit.
- Change the voting and candidacy rights for European citizens.
- Extend the accessibility to elections by requiring Returning Officers to take all reasonable steps to provide support to those with a disability whilst attending a polling station.
- 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.
- The introduction of new digital imprint requirements, requiring campaigners to explicitly detail who they are and on behalf of whom they are promoting on all digital campaign materials.

The Bill will also cover other areas such as improving the accountability of the Electoral Commission and setting up a new framework around expenditure and political party finance. Please note that these elements will not be covered as part of this report.

### **2.2 Voter Identification and The Voter Card**

- Voters will be required to show an approved form of photographic identification before collecting their ballot paper to vote at a polling station for Parliamentary elections in Great Britain, at local elections in England, Police and Crime Commissioner elections and Combined Authority Mayoral elections in England and Wales.
- It has also been confirmed that the requirement to present ID will be extended to all other polls such as Parish and Neighbourhood Planning Referenda.
- A wide-ranging list of identification documents will be accepted, please see the full list at Appendix 1.
- Railcards, some student ID cards and work passes will not be accepted.
- Research conducted by the Cabinet Office suggests that 2% of residents may require identification issued by the ERO. This is an average across the UK and does not take into consideration local factors, for an area like Kirklees the true figure is likely to be higher.
- For information 2% of the current electorate is approximately 6360.

- There will be a set deadline to apply for the voter card in the run up to an election. It is likely that this will be up to 5pm the day before polling day.
- As the Minister has now confirmed that it is expected that the requirement for voter ID will be in force at the May 2023 District elections, the application process for the voter ID card will need to be in place by the Autumn of 2022 to allow electors to apply well in advance of the poll.
- It is expected that a central online application portal will be available for applications to be made, as well as a paper form application route and in-person applications.
- At this stage, no information has been provided to the ERO/Returning Officer of when this portal will be in place or how it will integrate to our electoral management database.
- Regardless of any possible digital solution, a number of issues remain from an administrative point of view as during an election period, application rates are likely to significantly increase, and the burden will pass to local authorities and Returning Officers to provide voter ID cards at short notice. This is likely to be very resource intensive during an already busy work period.
- An additional implication is around what measures will be taken to ensure those who cover their faces for religious or other sensitive reasons will not be deterred from voting due to introduction of voter ID.
- The Returning Officer will be required to evaluate available space and facilities to provide ID verification in a private space at a polling station. As part of this, polling station staffing resources will need to be reviewed.

The Electoral Commission are likely to lead on the campaign surrounding the requirement for voter ID at a national level.

Locally, the ERO will be running a campaign to engage with residents, provide information on the application process and work with communities and external partners. As further details are provided regarding the application process and the performance standards of the ERO are set out, the Electoral Services Manager will provide further updates to members on how these changes will be delivered in practice.

### **2.3 Postal Voting**

- Postal voters will be required to re-apply for their postal vote every 3 years.
- Political campaigners will be barred from handling postal votes.
- Introduction of a limit on the number of postal votes that may be handed in by any one person.
- The current proposal is that in addition to their own postal vote, an individual will be able to hand in the postal vote packs of up to two domestic electors. The thinking 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 the election.

### **2.4 Proxy Voting**

- Currently, a person can act as a proxy for up to two electors and an unlimited number of close relatives. The Bill proposes 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 the electors as specified, will be guilty of an offence.

### **2.5 Voting and Candidacy Rights of European Citizens**

- Now that the UK has left the European Union and the freedom of movement has ended, the Government's view is that EU Citizen's voting and candidacy rights in local elections need to be updated to reflect this.
- The Bill requires EU Citizens to satisfy one of two requirements in addition to the usual eligibility to register to vote requirements.

- Citizens of an EU member state which the UK has a voting rights agreement (currently Spain, Portugal, Luxembourg, Poland) will be eligible to remain registered to vote and continue to register to vote for local elections in England.
- EU Citizens who were resident in the UK at the end of the implementation period completion date (31 December 2020) and have retained lawful immigration status.
- Please note, that these rules will not apply at the May 2022 District Council elections, all EU citizens, currently registered or applying will be able to vote at the elections in May 2022 or stand as a candidate.
- When the new franchise comes into force, EROs will be required to review all existing European entries on the electoral register and remove those citizens that do not meet the criteria as above.
- Currently, there is no information regarding when this review will take place or when the voting and candidacy rights may change.
- For information, as of 1 February 2022 there are currently 6278 European electors on the electoral register.

## 2.6 Accessibility

- The Bill aims 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.
- The Bill removes current restrictions on who can act as a 'companion' to support voters with disabilities to cast their vote in the polling station and gives the voter a wider choice of who can support them.
- The current legislation requires Returning Officers to provide tactile voting devices to support voters with sight loss. In future Returning Officers will be required to provide further equipment to support voters with sight loss or other disabilities.
- The Returning Officer is committed to improving accessibility and already provides additional equipment to polling stations to support accessibility. We are currently waiting to hear what the final requirements will be.

## 2.7 Introduction of New Digital Imprints

- Campaigners will need to explicitly show who they are and on behalf of whom they are promoting on any material published online in a similar way to the current requirements for printed materials.

## 2.8 Other key updates

- The Government is proposing to abolish the Fixed Term Parliament Act which will mean that the Prime Minister will no longer need to seek the approval of Parliament before calling a General Election.
- There is also an amendment that the timetable for Parliamentary elections be reduced from 25 working days to 17 working days.
- The combination of short notice (snap) elections and a reduced election timetable will make it extremely difficult for Returning Officers and their staff to book polling stations (particularly schools), recruit staff and print ballot books and postal votes. It will also mean postal vote packs would have to be despatched much closer to polling day, meaning electors could be disenfranchised, particularly those living overseas.
- The Association of Electoral Administrators (AEA) and the Society of Local Authority Chief Executives have written to the then Minister for the Constitution and Devolution, Chloe Smith, to express concerns that if the election timetable is reduced it "*would lead to voter disenfranchisement at best and catastrophic failure of polls at worst.*"

- A similar letter was also sent by several of the election print suppliers.

## **Considerations**

- Delivery of the wide variety of new requirements and changes to the electoral process will be challenging.
- The ERO/RO is working closely with internal and external partners to establish how the Elections Bill can be delivered in practice.
- At this stage, the finer detail of application processes and the required logistics of delivery of this work have yet to be confirmed by Central Government.
- At this stage, the ERO/RO key focus is to work with partners to understand what barriers they feel they may have to the application process for ID cards and voter ID and what we as an authority can do to address this.
- There is a potential risk that the requirement to provide ID will disenfranchise some electors, particularly those without the approved identification.
- There are funding implications for the necessary equipment and staffing resource for providing the voter ID cards. Central Government are expected to provide a level of funding for the delivery of the voter cards however no figures or detail relating to the funding have been provided.
- Additional training will be required for polling staff on checking ID cards. The level of responsibility of poll staff will be increased and this could impact on staff willingness to work as they will be required to challenge voters where necessary.

## **Next steps and timelines**

- ERO/RO will be working closely with partners to understand the challenges that the Elections Bill will create.
- The ERO/RO will be running a robust communications campaign once further detail on processes has been announced.
- The Electoral Services Team will dedicate further resources to outreach programmes in the run up to the implementation of Voter ID.
- Currently the Electoral Services Manager is reviewing core team staff resources and office accommodation to evaluate what resources will be needed for the delivery of the Elections Bill.
- Following the District elections due to take place in May, further information will be provided to Scrutiny Panel and all ward members relating to how this will impact the delivery of the poll in 2023.

### **3. Contact officer**

Name: Laura Burrell – Electoral Services Manager  
Email: [laura.burrell@kirklees.gov.uk](mailto:laura.burrell@kirklees.gov.uk)  
01484 221650

### **4. Background Papers and History of Decisions**

N/A

### **5. Service Director responsible**

Julie Muscroft Service Director – Legal, Governance and Commissioning

## Appendix 1

### List of identity documents that will be accepted as identification:

Identity Document	Notes
A United Kingdom passport	n/a
A passport issued by an EEA state or a Commonwealth country	n/a
A licence to drive a motor vehicle granted under (i) Part 3 of the Road Traffic Act 1988, or (ii) the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (N.I. 1))	This includes provisional driving licences
A driving licence issued by any of the Channel Islands, the Isle of Man or an EEA state	n/a
A biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007	n/a
An identity card bearing the Proof of Age Standards Scheme hologram (a PASS card)	A wide range of identity documents are PASS accredited including: <ul style="list-style-type: none"><li>- CitizenCard</li><li>- Bracknell Forest Council e-card</li><li>- My ID Card</li><li>- Milton Keynes all in 1 MK Card</li><li>- NUS Totum ID Card</li><li>- Validate UK Card</li><li>- Young Scot Card</li></ul>

## Identity Document

## Notes

- 
- Southwark Proof of Age London Card
  - One ID 4 U Card
- 

A Ministry of Defence Form 90 (Defence Identity Card)

Commonly known as a MOD90

---

Any of the following concessionary travel passes:

This list exhaustively sets out all concessionary travel cards that will be accepted, to avoid any confusion amongst electors.

Funded by the UK Government:

- Older Person's Bus Pass
- Disabled Person's Bus Pass
- Oyster 60+ Card
- Freedom Pass

Funded by the Scottish Government:

- National Entitlement Card

Funded by the Welsh Government:

- 60 and over Welsh Concessionary Travel Card
- Disabled Person's Welsh Concessionary Travel Card

Issued under the Northern Ireland Concessionary Fares Scheme:

- A Senior SmartPass
  - A Registered Blind SmartPass or Blind Person's SmartPass
  - A War Disablement SmartPass or War Disabled SmartPass
  - A 60+ SmartPass
  - A Half Fare SmartPass
- 

A badge of a form prescribed under section 21 of the Chronically Sick and Disabled Persons Act 1970 or section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (blue badge scheme)

n/a

---

An electoral identity document issued under section 13BD (electoral identity document: Great Britain)

Referred to as the Voter Card

---

**Identity Document****Notes**

---

An anonymous elector's document issued under section 13BE (anonymous elector's document: Great Britain) the holder of which has an anonymous entry at the time of the application for a ballot paper

n/a

---

An electoral identity card issued under section 13C (electoral identity card: Northern Ireland)

n/a

---

A national identity card issued by an EEA state

n/a

---