

Report of:	Tony Parkinson - Returning Officer & Electoral Registration Officer
Submitted to:	Corporate Affairs and Audit Committee
Date:	28 April 2022
Title:	Elections Bill
Report for:	Information
Status:	Public
Strategic priority:	All
Key decision:	Not applicable
Urgent:	Not applicable

Executive summary

The government is proposing changes to the UK electoral system through the Election Bill that is currently in its final stages. This report identifies the key proposed changes that the Bill introduces along with the possible impact on the voting public, candidates and electoral administrators.

The proposed legislation contains measures that affect:

- elections and the way we vote
- campaigning and the rules on campaign spending and funding
- parliamentary oversight of the Electoral Commission

The changes in the Bill would apply to UK Parliament elections, Police and Crime Commissioner elections, and local ward elections in England including the Elected Mayor and the Tees Valley Combined Authority elected Mayor.

The Bill seeks to improve the security, accessibility and transparency of elections and campaigning.

These changes in legislation will also have resource implications for local Electoral Services Teams / Returning Officers and add additional pressures on service delivery at the time of an election.

Purpose

1. This report is to inform the Committee of proposed changes to the electoral system that may be introduced as part of the Elections Bill that is currently being considered by Parliament. The report also identifies the possible implications for the voting public, candidates and electoral administrators

Background and relevant information

2. On Monday 5 July 2021, the UK Government introduced the Elections Bill to the House of Commons. The bill introduces new legislation that proposes changes to the UK electoral system. The legislation, entitled the Elections Bill, contains measures that affect:
 - elections and the way we vote
 - campaigning and the rules on campaign spending and funding
 - parliamentary oversight of the Electoral Commission.
3. The changes in the Bill would apply to UK Parliamentary elections, Police and Crime Commissioner elections in England and Wales, and all local elections in England including Mayoral elections.
4. The Bill seeks to improve the security, accessibility and transparency of elections and campaigning. The changes it introduces will need to be well planned, with implementation phased and properly funded to ensure that electoral administrators, and others involved in running elections, can implement the measures as intended.
5. As devolution leads to different rules for different parts of the UK, it will be important to ensure that the entirety of the system continues to work well and that everyone can understand what rules are in place at different elections.
6. Once the Bill is passed into law – and there are new rules for elections, voting and campaigning – the government will work with voters, local councils, political parties, campaigners and representative bodies, to ensure everyone involved in elections understands and is prepared for the changes.
7. The Bill is currently at committee stage in the House of Commons and is expected to receive Royal Assent in May 2022.

What is Being Proposed?

Voter Identification

8. Electors will have to show photo ID before voting. If they cannot provide one of the required forms of ID as set out in legislation, they will be able to apply for a free Voter Card from their Electoral Registration Officer.
9. The voter card application process is expected to commence from December 2022.
10. Voter Identification expected to be in place at elections from May 2023

Current research is suggesting that around 2% of people may require identification issued by the ERO – for Middlesbrough Council this translates to approximately 1954 people. However, the figure could be much higher than this as Middlesbrough also has a high student population and they may use this route as method for gaining free official identification. There is also nothing preventing a person who already has an acceptable form of photo ID applying for voter card.

11. The deadline to apply for a voter card is expected to be 5pm on the day prior to polling day, this will present challenges in getting late applicants ID to them prior to voting the next day.

Absent Vote Applications

12. Political parties and campaigners will be banned from handling postal votes. There will also be a limit on the number of postal votes a person can hand in at polling stations (limit will be set out in secondary legislation) it is expected that the new postal vote handling rules will be in place for May 2023 polls.
13. Postal voters will need to make a fresh application every three years. Currently, electors are required to refresh their signature every 5 years, it is expected that this process will be transitional, starting from January 2024.
14. The application process for absent voters will include a process for verifying identity, in a similar way to individual registration.
15. Electors will be allowed to act as proxy for no more than four people, of which no more than two can be 'domestic' electors (i.e. not overseas or service electors). Postal vote application and new proxy limit expected for May 2024 polls.
16. 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.

Proxy Vote Applications

17. If someone is unable to get to their polling station, they can ask someone they trust to vote on their behalf. This is called a proxy vote and the person casting the vote is referred to as a proxy.
18. The UK Government is proposing to limit the number of people for whom someone may act as a proxy.
19. Currently, a person can act as a proxy for an unlimited number of close relatives and two other people. Under the new rules, voters would be limited to acting as a proxy for two people, regardless of their relationship. Anyone voting on behalf of UK voters who live overseas could act as a proxy for up to four people.

Changes to the rights of EU Citizens to vote

20. The UK Government is proposing changes to the rights of EU citizens to vote and stand in elections in England and Northern Ireland.
21. Under the proposed changes, EU citizens who were living in the UK before the end of the EU Withdrawal Agreement Implementation Period (up until 1 January 2021) would keep their right to vote and stand in elections.
22. EU citizens who have arrived in the UK since 1 January 2021 would have these rights, where the UK Government has negotiated agreements with EU Members States to allow its citizens living in the UK to vote, in return for the same right for UK citizens living in that country
23. So far these agreements have been made with:
 - i. Spain
 - ii. Portugal
 - iii. Luxembourg
 - iv. Poland
24. It is expected to be in place at elections from spring 2024 and therefore electoral team will need to review existing EU electors, and process applications in line with new eligibility criteria (from June 2023). As yet the government guidance is still in development and we are awaiting more detail.

Voter accessibility

25. The UK Government is proposing to make it easier for people with disabilities to vote and Returning Officers will have a general responsibility to take all reasonable steps to support voters with disabilities.
26. The proposals would enable voters with disabilities to choose anyone who is over 18 to accompany them in the polling station, to help them vote. Currently, someone can only act as a companion if they are either an immediate family member who is over 18, or if they have the right to vote at the same election.
27. The proposals also cover the support given in polling stations to voters with disabilities.
28. Returning Officers are currently only required to provide specific forms of support to voters with disabilities at polling stations, such as a sample large print ballot paper for people with sight loss. The list of support they must provide is set out in law.
29. These new proposals would replace this list, instead requiring Returning Officers to take all reasonable steps to provide support to people with disabilities at polling stations and therefore the elections team should engage with other council departments and key stakeholders who are best placed to inform on what practical steps can be taken.
30. The new responsibilities are expected to be in place at elections taking place from May 2023.

Preventing Undue Influence

31. Proposals are to simplify and clarify the offence of undue influence. Someone is guilty of undue influence if they use, or threaten to use, force or violence to make someone vote a certain way, or not vote at all.
32. The proposed changes would make it simpler for the police to take action when allegations of undue influence are made.
33. The proposals would apply to all campaign activity, including printed materials, and would extend to anyone who seeks to intimidate a voter either inside or outside a polling station.

Overseas voting

34. The UK Government is proposing the removal of the 15 year limit on voting rights for British citizens living overseas.
35. This would mean that any British citizen living abroad who has previously lived in, or been registered to vote in the UK would have the right to vote at UK Parliamentary elections.
36. The proposals also extend the registration period for overseas voters. Currently overseas voters are required to register to vote every year. The changes would require them to register every three years, and to refresh their application to vote by post or proxy at the same time.
37. Anyone who is registered to vote in the UK can make donations to political parties and campaigners. Extending voting rights to more British citizens living overseas would allow these new voters to donate to political parties and campaigners.
38. While it is estimated the number of people who qualify as overseas electors could triple, we would not expect every newly enfranchised elector to apply and so it is difficult to predict what the impact on the service would be at this time.
39. This is expected to be in place before parliamentary elections due in spring 2024.

Changes to Mayoral and PCC voting system

40. The Bill changes the voting system used for electing Police and Crime Commissioners (PCCs), the Mayor of London and combined authority mayors from the Supplementary Vote system to Simple Majority Voting, also known as First Past the Post.
41. To ensure consistency in the voting system used for electing all directly-elected mayors and PCC's in England, and deliver manifesto commitments, the voting system for electing local authority mayors in England is also changed to First Past the Post.
42. Subject to the bill being passed It is proposed that many of the changes will be implemented in time for the May 2023 elections. The Department for Levelling Up, Housing and Communities (DLUHC) are still developing the policy, primary and

secondary legislation, and more detail will be shared with Returning Officers when it is available.

What decision(s) are being recommended?

43. That the Corporate Affairs and Audit Committee note the information contained in the report

Rationale for the recommended decision(s)

44. The bill has yet to have gained royal assent

Other potential decision(s) and why these have not been recommended

45. Not applicable

Impact(s) of the recommended decision(s)

Legal

46. The Government have introduced the Elections Bill to the House of Commons. The bill introduces new legislation that proposes changes to the UK electoral system.

47. The Electoral Commission (EC) will provide further guidance to Electoral Registration Officers, Returning Officers candidates and agents in due course. They will collate and analyse data to assess the impact of the legislative changes.

Strategic priorities and risks

48. Whilst the implications and guidance is not yet fully clear, it is recognised that changes on this scale will add additional levels of complexity with additional duties to Returning Officers and the election teams which will put additional strain on the finite election resources currently available.

49. The Local Government Association, the Electoral Commission and the Association of Electoral Administrators have also noted the serious capacity and resilience implications for councils, including the risk that identity checks and the possible refusal of votes may make election staff recruitment even harder than it is already and have raised these issues at a national level.

50. The Returning Officer and the electoral services team will need to put processes in place to manage new burdens of at polling stations i.e. consider suitability of current stations, handling possible queues if checks take longer, processes and training for staff on checking voters' ID and potential introduction of new equipment for voters with disabilities

51. Locally we will work with The Association of Electoral Administrators (AEA) and our regional counterparts to consider the possible impact and mitigations that may be required to build capacity, maintain the capability of staff in the registration and elections system, and ensure the resilience of electoral processes

52. There is also clearly a need to ensure that electors are aware of new requirements well in advance of polling day in addition to candidates and agents.

Human Rights, Equality and Data Protection

53. The bill aims to provide greater accessibility for those people with disabilities and therefore this will positively impact on some voters. There may also be some additional data protection implications depending on the level of new data the authority may be expected to collect in order to create voter IDs. However this is not yet fully understood.

Financial

54. It is recognised by the government that there may be significant financial implications as part of the Bill.

55. The majority of changes will result in a new financial burden being placed on the local authority. The Electoral Services team are currently assessing the possible impact of costs on Middlesbrough, however this will not be fully understood until further national guidance is issued to understand the additional processes that the authority will have to undertake and an election takes place.

56. The Government has acknowledged that where changes in the Bill will result in a new burden on local authorities, these costs will be initially covered in line with new burdens principles. However, at this stage we do not know what that funding will look like or how local authorities will be reimbursed.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
N/A		

Appendices

1	
2	
3	

Background papers

Body	Report title	Date
Local Government Association	The Elections Bill Local Government Association	27/07/21

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