

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: 8 November 2023

Decision Type: Non-Urgent Non-Executive Non-Key

Title: INTRODUCTION OF NEW MEASURES UNDER THE ELECTIONS ACT 2022 AND UPDATE ON POLLING ARRANGEMENTS

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Chief Officer: Ade Adetosoye CBE, Returning Officer/Electoral Registration Officer/Chief Executive

Ward: All

1. Reason for decision/report and options

- 1.1 To update Members on i) the key measures being introduced through the Elections Act 2022 and ii) polling arrangements.
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2. **RECOMMENDATION(S)**

Members are asked to note this report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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Transformation Policy

1. Policy Status: Not Applicable
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.Not Applicable:
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Financial

1. Cost of proposal: Not Applicable
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: Not Applicable
 5. Source of funding: Department of Levelling Up, Communities and Housing under the New Burdens doctrine:
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Personnel

1. Number of staff (current and additional): 5 full time, 3 casual staff and approximately 1,000 temporary staff recruited by the Returning Officer at an election for staffing polling stations, opening and verifying postal votes and staffing the count
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Property

1. Summary of Property Implications: Not Applicable
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Not Applicable

Customer Impact

1. Estimated number of users or customers (current and projected): c240,000 registered electors, candidates, agents and staff
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

INTRODUCTION ON THE ELECTIONS ACT 2022

- 3.1 Members may recall that in a report to this committee on 22 September 2022 details were given of the major changes being made by the UK Government through the Elections Act 2022.
- 3.2 The **first tranche** of these changes (including the introduction of showing photo ID at polling stations, the issue of a free Voter Authority Certificate (VAC) to eligible residents without valid photo ID, and new accessibility requirements) were implemented at elections held in May 2023. Members will be aware that Bromley had no elections in May 2023.
- 3.3 The **second tranche** of these changes come into force in advance of the May 2024 elections - Bromley has the Greater London Authority (GLA) elections on 2 May 2024. These will include new measures relating to:
- Absent Voting
 - Overseas Electors
 - European (EU) Citizens Voting and Candidacy rights
 - Other election related changes
- 3.4 They will apply at UK Parliamentary (General) elections in Great Britain, Local elections in England (including the GLA elections) and any by elections.

FIRST TRANCHE of new measures

1. VOTER ID

- 3.5 Electors will have to show an approved form of photo identification before being issued with a ballot paper at the polling station.
- 3.6 Legislation defines the list of acceptable documentation (including a passport, a driving licence, specified concessionary travel passes etc (see Appendix 1). Polling station staff will not have latitude to accept other documents in lieu of those specified in the Act.
- 3.7 If an elector fails to present a form of accepted photo identification, they will not be issued with a ballot paper. If they forget or bring the wrong type of identification with them, they will be able to return later with the correct photo identification, during the hours of poll.
- 3.8 Expired photo identification will be accepted so long as the photo remains a good enough likeness to be able to identify the elector.
- 3.9 Polling Stations will be required to have a private area for the elector to produce identification in private, if requested. This can be achieved through using a separate room (depending on the size or nature of the polling station), or a privacy screen.

2. VOTER AUTHORITY CERTIFICATE

- 3.10 If electors cannot provide one of the required forms of identification as set out in the legislation, they will be able to apply for a free Voter Authority Certificate (VAC) from their local Electoral Registration Officer (ERO).
- 3.11 Electors will be able to apply for a VAC either:
- online through a new Government portal <https://www.gov.uk/apply-for-photo-id-voter-authority-certificate>, or

- by paper application <https://www.gov.uk/government/publications/apply-for-a-voter-authority-certificate-by-post-if-youre-living-in-the-uk>

3.12 Regardless of the way a person applies, they will need to provide their National Insurance Number (NINO) and a recent photo of themselves.

3. ACCESSIBILITY

3.13 From May 2023 changes were introduced aimed to provide extra support to voters with disabilities when voting in person at a polling station.

3.14 Disabled voters will be able to choose anyone who is over 18 to accompany them in the polling station to help them vote, including carers who may not themselves be eligible to vote at the election.

SECOND TRANCHE of new measures

1. ABSENT VOTING

Online Postal Vote Applications and Identity Verification

3.15 From 31 October 2023, electors can apply for postal votes and some types of proxy votes using a new online portal, hosted on Gov.Uk – the same portal as is used for applying for a VAC.

3.16 Applicants will continue to be required to supply their personal identifiers (date of birth and handwritten signature) as part of a postal vote application – these are matched against the personal identifiers they submit on their postal vote statement which accompanies the ballot paper, when voting.

3.17 All applicants for postal votes will require their identity to be verified as part of the application process. This requirement will apply to both paper and online applications. It will bring the postal vote application process in line with the registration process, in which the ERO must verify the identity of all applicants before they can be added to the electoral register. The information an elector will need to provide will be very similar to the requirements for registration applications, whereby an applicant provides their NINO which is matched against Department of Work and Pensions (DWP) data. There will also be an ‘exceptions’ process (requiring additional documentary evidence to be produced such as the applicant’s passport) for electors to follow if they are unable to provide a NINO or cannot be verified through such data matching and failing that an ‘attestation’ process.

Postal Vote Arrangements

3.18 Postal vote arrangements will be limited to a maximum of three (3) years, at which point the elector will need to make a fresh application. This will replace the current requirement to submit a fresh signature every five (5) years. Postal vote arrangements will run until the third 31 January after they are granted and will then cease.

3.19 The transitional process for moving existing postal voters to the new three-year-re-application system has been recently altered by the Department of Levelling Up, Housing & Communities. Electors who needed to refresh their signature by 31 January 2024, or 31 January 2025 under current provisions are *no longer required to do so*. They are only required to re-apply for their postal by 31 January 2026.

3.20 This means that:

- All existing postal voters who provided a signature prior to 31 October 2023 will be required to reapply for their postal vote by 31 January 2026, AND

- Anyone who applied for a postal vote from 1 November 2023 to 30 January 2024 under the new system will also be required to re-apply for their postal vote by 31 January 2026

Online Proxy Vote Applications and Identity Verification

3.21 All voters who currently hold a permanent proxy will be required to re-apply for their proxy vote before 31 January 2024.

3.22 Electors **will** be able to apply online for the following proxy arrangements:

- For a particular election
- For a definite/indefinite period for:
 - overseas electors
 - armed forces voters
 - crown servants
 - British Council employees

3.23 Electors will **NOT** be able to apply online (so will be paper based) for the following proxy arrangements:

- A permanent proxy i.e. a proxy for a definite or indefinite period due to disability, employment, occupation or service
- A postal vote applied for by a proxy voter
- An emergency proxy
- A proxy application by an anonymous elector

3.24 All applications will need to go through the new verification/identity process, and if they fail will need to go through the exceptions and possibly attestation process (see above).

Proxy Vote Arrangements

3.25 From 31 October 2023 electors will only be able to vote as a proxy in any electoral area for no more than four (4) electors, of which no more than two (2) electors can be domestic/ordinary electors (previously electors could act as a proxy for two (2) domestic/ordinary electors and unlimited number of close family members).

3.26 The personal identifiers refresh process for proxy voters remain the same. Therefore, proxy voters will continue to refresh their absent voter identifiers at 5 yearly intervals.

New Emergency Proxy Provision

3.27 Where an elector submits a proxy application:

- prior to 5pm, 6 days before an election via the online portal
- but due to a technical fault with the online service, it is not received by the Electoral Registration Officer until after 5pm, 6 days before an election.
the elector is entitled to an emergency proxy (no attestation required)

2. POSTAL VOTE HANDLING and SECRECY

3.28 From May 2024 there will be changes to the handling of postal votes and secrecy arrangements relating to them.

3.29 The restrictions on the handling of postal votes will include:

- A ban on political parties and campaigners handling postal votes (but not paper postal vote application forms)

- A limit on the number of postal votes that a person can hand in at polling stations and council offices

3.30 An elector will be permitted to hand in their own postal vote, and the postal votes of up to five (5) other electors (total of 6).

3.31 Any person who hands in postal votes at a polling station or the council offices will be required to complete a form. If the person refuses, the postal votes will be rejected.

3.32 The aim is to deter the handing in of large numbers of postal votes by a single person, thereby reducing both the occurrence and perception of fraud associated with postal voting.

3.33 Secrecy requirements will be extended to postal and proxy votes.

3. OVERSEAS ELECTORS

3.34 The following measures are expected to come into force in January 2024:

- The removal of the 15-year limit on expatriates' right to vote in UK Parliamentary elections.
- The ability for all British citizens overseas to register in respect of the last UK address at which they were registered, or if they were never registered, the last UK address at which they were resident.
- The increase of the registration period to three (3) years (currently one year) and renewals will be linked to a fixed point of 1 November (this is intended to tie in with the new three (3) yearly cycle for absent vote applicants).
- The use of register checks, where possible, to verify an applicant's connection to a previous UK address.
- The undertaking of identity verification which will comprise:
 - Checks of applicant's details against DWP records, or
 - Documentary evidence, or
 - An attestation from another registered elector

3.35 Overseas electors will have the option to re-apply for a postal or refresh their proxy vote, which will then be 'tied' to the new 3-year period of registration (unless a shorter period for the absent vote is specified by the elector and it therefore expires before).

4. EU CITIZENS' VOTING AND CANDIDACY RIGHTS

Changes to Voting Rights

3.36 Now that the UK has left the Europe Union (EU), the automatic right of European citizens to register to vote and to vote will be removed. New provisions will take effect after the elections in May 2024

3.37 Two groups of EU citizens will retain their voting rights:

- 'Qualifying EU citizens' – citizens of EU countries which have a reciprocal agreement with the UK Government, currently Luxembourg, Poland, Portugal and Spain. It is feasible that, in future, other countries will be added to this list.
- 'EU citizens with retained rights' – EU citizens from any other EU country who were already legally resident in the UK before 31 December 2020 (the date we exited the EU).

- 3.38 This change will NOT affect the rights of citizens from Ireland, Malta or Cyprus.
- 3.39 A one-time review of the electoral register will be required to be carried out to determine the eligibility of EU citizens on the register – this process will be carried out after the scheduled elections in May 2024 and must be completed by 31 January 2025.
- 3.40 There will be the creation of a new franchise marker for the electoral register (probably a 'B' marker).
- 3.41 There will also be a change to the application process in order to determine applications under the new eligibility criteria.

Changes to Candidacy Rights

- 3.42 Likewise, the automatic right of European citizens to stand in UK elections will be removed.
- 3.43 The changes to candidacy rights for EU citizens are due to come into force after the polls in May 2024 (from 7 May 2024). Transitional arrangements will enable EU citizens elected to office before this date, to remain in office for their full term.
- 3.44 After this date EU citizens standing as candidates will need to have been legally resident in the UK prior to 31 December 2020 (i.e. have leave to enter or remain in the UK, or do not require such leave), or be a citizen from an EU country which has a reciprocal agreement with the UK Government, currently Luxembourg, Poland, Portugal and Spain, in order to be eligible to stand as a candidate.

5. OTHER NEW MEASURES

Voting systems

- 3.45 From May 2023, the voting system at certain elections (including the Mayor of London at the GLA elections) will change from a supplementary vote system to a simple majority known as the 'first past the post' where you vote for one candidate only, and the candidate with the most votes will win.

Undue Influence and Intimidation

- 3.46 From November 2023, the offence of undue influence will be simplified and clarified, and the types of illegal behaviour used to unfairly influence someone's vote will be defined.
- 3.47 A new disqualification order will be introduced, providing that anyone who has been convicted of an existing criminal offence of an intimidatory nature will be disqualified from standing for election, being elected to, or holding a relevant elected office for a period of five (5) years.

Digital Imprints

- 3.48 From November 2023, campaigners will be required to include imprints on their digital political campaign material.

Commonly Used Names

- 3.49 From May 2024, there will be greater flexibility in the names a candidate can put on their nomination paper. This will allow, for example, someone who is commonly known by their middle name, to use only this name on their nomination papers rather than having to use both their first and middle names as is currently the case.

PUBLIC AWARENESS

- 3.50 There will be extensive and targeted awareness raising campaigns by the Electoral Commission and the GLA (which will be supplemented locally by Bromley) to ensure that residents and prospective candidates know about the upcoming changes (especially around Voter ID) at the next scheduled elections to be held in the borough namely the GLA elections on 2 May 2024.

RESOURCES

- 3.51 The implementation of these new measures will be a huge additional burden on the resources of the ERO and Returning Officer (RO).
- 3.52 Electoral staff will require extensive training on the new systems/online services and processes.
- 3.53 The additional checks required may substantially increase the work involved in staff processing VACs and absent votes applications. It is not known at this stage how many applications will be received, and how many absent vote applications will not be verified by DWP (so will need to follow an exceptions process and failing that an attestation process).
- 3.54 There is a “new burdens” agreement between Central Government and Local Government whereby Central Government promise to fully fund additional burdens. However, as this will be an ongoing pressure, the ERO/RO may require additional resources from the Council, unless Central Government fully funds the ongoing costs associated with these new measures.

4. COMMENTARY

INTRODUCTION ON POLLING ARRANGEMENTS

- 4.1 Members may recall that following the completion of a review by the Local Government Boundary Commission and in a report to this committee on 21 September 2021, details were given of the new **ward** arrangements – which came into force at the last Local Council Elections on 5 May 2022.
- 4.2 Under legislation the Local Government Boundary Commission could not take into account the existing parliamentary boundaries during this review.
- 4.3 Members may also recall that at that time the Boundary Commission for England was in the process of reviewing **parliamentary** boundaries throughout England. The final recommendations were published on 28 June 2023 with legislation expected to come into force late November 2023 or early December 2023. The new constituencies will apply at the next UK Parliamentary (General) election.
- 4.4 Under legislation the Boundary Commission could only consider ward boundaries which existed as of 1 December 2020. Therefore, the Commission could not take Bromley’s new ward boundaries into account during this review.
- 4.5 As a result the RO compiled a scheme of **polling districts** which identified and separated the anomalies between the old and new ward arrangements so that both the current and new parliamentary constituency boundaries could be managed, as they may not have been coterminous.
- 4.6 Now that the new ward boundaries have been implemented and we have details of the new parliamentary boundaries, we can review the polling district scheme taking into account the

necessity to reflect both the current parliamentary boundaries (in case of a Parliamentary by-election occurring before the next General election) and the new parliamentary boundaries to take effect at the next General election.

4.7 The amended **polling district scheme** (see Appendix 2) is simply to tidy up the electoral register (by amending some of the polling district codes) and is for administrative purposes only. There are no changes to the ward boundaries, and no changes to electors' polling stations.

4.8 Following the next General election, we can then undertake a further review of the polling district scheme, and this should only leave three (3) anomalies in the wards of Darwin, Petts Wood & Knoll and Shortlands.

5 IMPACT ON VULNERABLE ADULTS AND CHILDREN

None arising from this report.

6 TRANSFORMATION/POLICY IMPLICATIONS

None arising from this report.

7 FINANCIAL IMPLICATIONS

The Department of Levelling Up, Communities and Housing will provide additional funding under the New Burdens doctrine.

8 PERSONNEL IMPLICATIONS

Some Council employees are recruited by the Returning Officer to help with the various duties concerning the conduct of polls. However, a majority of staff are recruited from other sources.

Under the provisions of section 35(6) of the Representation of the People Act 1983 the Council shall place the services of its officers at the disposal of the Returning Officer.

9 LEGAL IMPLICATIONS

The Council has an obligation to comply with the Elections Act 2022 and subsequent secondary legislation in the form of Regulations and to ensure that the Council meets its obligation (under section 54 of the Representation of the People Act 1983) to provide sufficient resources to the Electoral Registration Officer/Returning Officer.

10 PROCUREMENT IMPLICATIONS

None arising from this report.

11 PROPERTY IMPLICATIONS

None arising from this report.

12 CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

None arising from this report.

13 CUSTOMER IMPACT

None arising from this report.

14 WARD COUNCILLOR VIEWS

None arising from this report.

Non-Applicable Headings:	[List any of headings 4 to 13 that do not apply.]
Background Documents: (Access via Contact Officer)	[Title of document and date]