

Briefing paper

Elections Act including Voter Identity

For: Overview & Scrutiny Committee, Cabinet

Date: January 2023

Key facts

Voter Identification Regulations 2022 were recently laid before Parliament for approval and business change instructions have now been received by officers. The launch of the new Voter Authority Certificate is scheduled nationally for 16 January 2023 ready for voter identity to be checked at polls undertaken from May 2023 onwards.

The Assistance with Voting for Persons with Disabilities (Amendments) Regulations were also debated on 15 November and further guidance on how to conduct elections is expected from the Electoral Commission in the coming weeks, with team members booked on training with the Association of Electoral Administrators in February to obtain the detailed knowledge required to meet the new requirements.

A project plan is in place to deliver the Elections Act outcomes over the next 2 years and all key milestones for the regulations are detailed at Appendix A. Initial new burdens funding has been announced and Lichfield will receive £19,443 to implement these changes in time for the next elections in May, with a further £40,013 for costs incurred during 2023/24.

Background

The [Elections Act](#) scope is wide ranging covering the following areas:

By May 2023

- Require voters to show photo ID at polling stations before a ballot paper is issued.
- Require Electoral Registration Officers (ERO) based in local authorities to issue free voter identification documents to those without a valid form of photo ID.
- Extend election accessibility to support voters with a disability in polling stations.

NOTE Postal Vote Handling and Secrecy measures have been delayed until after the May 2023 polls.

By August 2023

- Require postal voters to reapply for a postal vote every three years, replacing current rules whereby a postal voter must refresh their signature every five years.
- In addition, it will seek to restrict the handling of postal votes by campaigners and limit the number of postal votes an individual can hand in at a polling station.
- Further limit the number of people someone may act as proxy.
- Allow all British citizens living overseas to vote in UK Parliamentary elections, regardless of when they left the UK (currently 15year cut off).
- Change the voting and candidacy arrangements for EU voters.

- Extend accessibility to elections including requiring Returning Officers to take all reasonable steps to provide support for those with a disability in polling stations.

By November 2023

- 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 a new digital imprints' regime requiring campaigners to explicitly show who they are and on behalf of whom they are promoting (in a similar way to printed material).
- It will also cover other areas such as improving the accountability of the Electoral Commission and setting up a new framework around expenditure and party-political financing.

Voter Identification

Electors will be required to identify themselves by showing an approved form of photographic identification before being issued with a ballot paper in a polling station from May 2023.

Passports, Driver's licence, immigration documents Proof of Age Standards Scheme (PASS) cards, Government funded bus passes are all acceptable forms of identity and do not have to be in date, but do need to still bear a picture that is recognisable. Legislation defines the list of acceptable documentation and makes it clear that polling station staff will not have latitude to accept other documents in lieu of those specified by the Act. This list can be updated in future, if necessary, through secondary legislation.

For electors in GB who do not have an accepted form of photographic identification, EROs will be required to provide a Voter Authority Certificate - a photographic identification document free of charge for the purposes of voting in polling stations.

Issues

Future actions

The Voter Authority Certificate Service will launch on Monday 16 January 2023 to comply with the requirements of the Elections Act and to enable online applications for the Voter Authority Certificate.

Customer Services and the Governance team have received initial training and will have a role to locally administer the applications including reviewing and accepting all of the photographs. This ranges from checking alternative forms of identity necessary for online validation (attestations) and administering

any application which does not match the criteria, providing individualised feedback on the steps required to be issued with a certificate.

All Polling locations must be re-assessed for their accessibility to the new standard (we have over 100 possible polling locations). Any changes to polling locations must be ratified by Regulatory & Licensing Committee in February 2023.

Remaining actions for implementation after May elections will be programmed into the project plan as further details are available from the Electoral Commission and will be provided to members in future briefing notes. An audit of our readiness has also been requested by Audit and Member Standards Committee and is underway to provide assurance.

Risk

We have identified risks around the levels of applications that will not pass automatically through the Voter Authority Certificate Service (approximately 6% via pilot projects) and the impact this will have on Customer Service and Governance teams at already peak periods in the run up to a district-wide elections in May. Basic grant funding has been provided for additional resources to cover this on a temporary basis (12 weeks) and we will be actively recruiting in the New Year for this so it does not impact normal functions.

Data sharing agreements and processing assessments are underway to manage the risks of sharing our Electoral data with the national portal to allow validation.

Risks have been flagged at the highest level by the LGA and AEA of the late implementation of the practical guidance so close to the upcoming elections for both Voter ID procedures and supporting voters with a disability. We do not expect final guidance on procedures to be applied at polling stations to be available until 9 January 2023. This is far later than we had anticipated to update and deliver training and provide certainty to Presiding Officers on the expectations and legal responsibilities of their role. As much planning as possible has been undertaken to anticipate the guidance for swift implementation once details are confirmed.

As part of the Target Operating Model, the authority no longer employs a separate specialist Electoral Services team, but operates as a multi-functional governance team. As such, specific projects pull resources from the clerking and member support functions to deliver election activity, limiting capacity for other governance functions as a result which is why the backfill is essential to minimise disruption.

APPENDIX A

A guide to the key milestones of the Elections Act

2021	
5 July 2021	First reading of the Elections Bill in the House of Commons
2022	
18 January 2022	Launch of first Business Change Network Event
February - March 2022	Passage of the Elections Bill through the House of Lords
28 April 2022	Royal Assent of the Elections Act 2022
5 May 2022	Local elections in England, Scotland and Wales and Assembly election in Northern Ireland
From July 2022	Secondary Legislation in Parliament
November 2022	Political Finance statutory instruments made – changes will apply to polls from May 23 onwards
	First Past the Post statutory instruments made – changes will apply to relevant polls from 4 May 23 onwards
December 2022	Accessibility statutory instruments made – changes will apply to polls from May 23 onwards
	Notional Expenditure statutory instruments made – changes will apply to polls from May 23 onwards
2023	
January 2023	Electoral Commission Strategy and Policy Statement (SPS) laid before Parliament
January 2023	Voter Identification statutory instruments made – voter identification will be required in polling stations for polls held from May 23 onwards
	Go Live of application service for Voter Authority Certificates
By 4 May 2023	First Past the Post voting system introduced for any Mayoral elections in England and Police & Crime Commissioner (PCC) elections in

	England and Wales held on or after 4 May 2023 (including by-elections)
4 May 2023	Local elections in England (including Local Authority Mayoral), and other applicable elections including local elections in Northern Ireland
June 2023	EU citizens' Voting and Candidacy Rights (EUVCR) changes take effect
	EC Strategy and Policy Statement takes effect
July 2023	Postal Voting rule changes statutory instruments made and changes take effect
	Proxy Voting rule changes statutory instruments made and changes take effect
	Overseas Electors statutory instruments made and changes take effect
	Online absent vote applications statutory instruments made and take effect
	Online Absent Vote Applications Service Go Live
Autumn 2023 (date TBC)	Postal Vote Handling rules statutory instruments made and changes take effect
	Absent Vote Secrecy rules statutory instruments made and changes take effect
November 2023	Clarification of Undue Influence statutory instruments made and changes take effect
	Intimidation: new electoral sanction statutory instruments made and sanction takes effect
	Digital imprints statutory instruments made and new regime takes effect
December 2023	EUVCR - Final removal of ineligible EU nationals on publication of Revised Register
2024	
2 May 2024	Local elections in England and Wales (including PCC elections, Mayoral and Combined Authority Mayoral, Greater London Authority, and other applicable elections)