



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL - 16 NOVEMBER 2022
Report Number	AGENDA ITEM 11
Subject	IMPLICATIONS OF ELECTIONS ACT 2022
Wards affected	All
Accountable member	Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	Robert Weaver, Chief Executive Officer and Returning Officer robert.weaver@cotswold.gov.uk
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Summary/Purpose	To provide an update on the key elements of the Elections Act 2022 and its implications for the Council's Returning Officer and Electoral Services team.
Annexes	None
Recommendation(s)	<i>That Council resolves to:</i> <i>1. Note the report and the allocation of £23,910 from the Council's Priorities Fund to provide additional staff resource to enable the Council to meet the requirements for Voter ID at elections taking place on or after 4 May 2023.</i>
Corporate priorities	<ul style="list-style-type: none">• Delivering our services to the highest standards
Key Decision	NO
Exempt	NO
Consultees/ Consultation	None



1.0 BACKGROUND

- 1.1** The Elections Act 2022 (“the Act”) came into effect in April 2022 and will introduce a number of changes to the way in which elections are conducted.
- 1.2** This report sets out the main implications of the Act and the changes required to ensure the Electoral Services Team is prepared for the implementation.

2.1 MAIN POINTS

- 2.0** The changes will be introduced by means of Secondary Legislation over the next year. Draft Secondary Legislation for Voter ID has now been laid and is expected to come into effect from the May 2023 elections.
- 2.1** The Statutory Instrument enacting Voter ID was laid in Parliament on 3 November and will be debated in both Houses of Parliament. If approved, it will come into force from mid-January 2023 with Voter ID being required from all elections on or after 4 May 2023.
- 2.2** Changes prescribed by the Act include the requirement for electors voting at a Polling Station to provide photographic identification (Voter ID), the requirement for electors to provide their date of birth and National Insurance Number when applying for a postal or proxy vote, changes to the franchise for overseas electors and changes to the franchise for European Union citizens. In addition, changes to Regulations require the Returning Officer to provide accessibility equipment as needed at Polling Stations.
- 2.3** Alongside these changes, the Parliamentary Boundary Review proposals currently indicate that the Cotswold District will split into two Parliamentary Constituencies from the next Parliamentary election after September 2023. This means that the Returning Officer for Cotswold District Council will become the Acting Returning Officer for the two new Constituencies.
- 2.4** The final proposals of the Review will be published in early November 2022 with final recommendations and a report laid in Parliament in the Summer of 2023. All new Constituencies will come into effect from the next Parliamentary Election after Autumn 2023.

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- 2.5** Electoral Registration Officers will be required to supply a Voter Authority Certificate to anyone who does not have the appropriate ID.
- 2.6** These can be applied for up to 6 working days before the election. This is an extra task for Electoral Services which will run alongside voter registration with the need to check/review each application.
- 2.7** Government research suggests that between 2% and 4% of electors will need a Voter Authority Certificate. For Cotswold District Council 4% is around 3000 applications. The new ID system will go live in mid-January 2023 – around 13/14 weeks before the election on 4 May.



- 2.8** Whilst the exact process that will be followed has not been finalised, it is likely that anyone needing to apply for Voter ID will need to do so via a Government portal. This will require uploading a photograph and completing the necessary forms and then submitting. However, the process is not completely centralised. Instead applications will be provided via a secure login to the Electoral Services teams in whose area they reside. It will then be the responsibility locally, to check an uploaded application for accuracy, and advise the Government, who will then provide the requisite Voter ID.
- 2.9** Based on the percentages above, rough calculations have indicated that it could take 10 weeks of an officer's time to check all applications received. The Returning Officer has raised with the local MP whether fail-safes can be built into the process (which could be more akin to the process of applying for a Passport) that would prevent poor quality images being uploaded, for example, and hence reduce the amount of time needed for the checking process, but it's not clear if this will be possible. As such, it must be assumed that the checking process will fall to the Elections Team and be quite time consuming.
- 2.10** A paper version of the application will be available for those without internet access and they will need to supply a photograph for Electoral Services to upload. We will also be asking Customer Services to assist electors to make an online application and by taking a photograph of them. This will be provided in all Council offices. In summary, whilst officers can prepare for lengthy checking processes, there is considerable uncertainty about this part of the process in terms of additional officer time required.
- 2.11** There will be additional emergency proxy regulations, allowing anyone who loses their Voter ID up to 5pm on election day, to appoint a proxy with ID to vote on their behalf.
- 2.12** Temporary Voter Certificates may also be issued to anyone who applied by the deadline but whose certificate does not arrive. These will be signed by the Electoral Registration Officer's staff and collected by the elector.
- 2.13** It is likely that the number of postal vote applications received will rise as people realise they do not need to provide ID as part of the postal vote process.
- 2.14** The introduction of Voter ID will require significant training for all core staff and Polling Station staff. The new burden funding process allows for one day of training for the core team and up to half an hour extra for Polling Station staff. It is unclear at this stage whether this will be sufficient or whether extra training will be required. In addition, extra training will be required for Customer Services teams working for the Council.
- 2.15** The Act also adds extra responsibility on the Returning Officer to provide equipment to assist voters with disabilities voting at stations. This may require a review of stations and potentially a visit to each one of the Polling Station locations to check their suitability and ensure accessibility and privacy needs are met.
- 2.16** Following the May 2023 elections, new regulations will change the postal and proxy voting application process. Electors will need to verify their identity to obtain a postal vote and will have to renew it every 3 years (currently postal and proxy votes are refreshed every 5 years).



- 2.17** In addition, any British citizen living overseas will be able to register to vote at national elections from summer 2023. This removes the 15-year time limit currently in place.
- 2.18** The registration and voting rights of EU citizens will also be changed in 2023 and the Electoral Registration Officer will be required to contact electors with details of whether or not they retain their voting rights. Voting rights will be dependent on which countries have reciprocal agreements with the UK - currently Luxembourg, Poland, Portugal and Spain.
- 2.19** As these are new regulations, the Council will receive new burdens funding from the Government to cover the extra tasks. At the time of writing, a “letter of comfort” has been received which explains the calculation method for the funding, but no detail as to how much will be received. It is hoped that the first funds will be received by the end of November 2022.
- 2.20** The current Parliamentary Boundary Review proposal splits the Cotswold District between two constituencies. As Cotswold District has the majority of electors in each new area, the Returning Officer will become the Acting Returning Officer for both. If this proposal remains unchanged, it will take effect from the next General Election after the Order has been made. On current timescales, this will be any Election from the Autumn of 2023.
- 2.21** This is a significant change for the team with the two constituencies covering four Local Authority areas - Cotswold District, Tewkesbury District, Stroud District and Wiltshire.

3.1 CONCLUSIONS

- 3.0** The Department for Levelling Up, Housing and Communities (DLUHC) is the department responsible for implementing these changes and the Department has been working closely with the electoral community, providing information as it becomes available.
- 3.1** As part of their implementation work, the team at DLUHC have surveyed EROs and Electoral Officers to ascertain their readiness and understanding of the new regulations.
- 3.2** The first survey was in July 2022 and showed that 89% of EROs felt unprepared for the implementation of the Voter Authority Certificate process. Following a national seminar in September, a second survey was conducted in October and we await the results. However, there are still considerable number of details required and guidance to be issued and there is concern about when this will be made available.
- 3.3** The Act will increase the workload of the Electoral Services Team with changes being introduced in the run-up to the 4 May 2023 elections.
- 3.4** The Association of Electoral Administrators (AEA) has called for the introduction of Voter ID to be delayed. In their letter to the Under Secretary of State in September, the AEA expressed concern that the lateness of the Secondary Legislation will increase the pressure on Electoral Services Teams in the run up to the May elections, with limited time for training on the new processes. This, along with limited funding for local communication could, in their view, result in electors being unable to vote due to a lack of understanding of the new requirements.



- 3.5** In preparation for the impending changes, the Returning Officer and Electoral Services Manager have determined that it will be necessary for a new post to be created in the core Electoral Services Team to assist with the processing of Voter Authority Certificates and it is hoped that this will be filled by January 2023. This extra post will also give some extra resilience within the Team when the Parliamentary Boundary changes come into effect.
- 3.6** The Parliamentary Boundary Commission published its final proposals on 8 November. The proposals for two constituencies remain, but with some changes. The Electoral Services Teams can now begin to plan for the next Parliamentary election should that occur after Autumn 2023.

4.0 FINANCIAL IMPLICATIONS

- 4.1** The full cost implications of the Elections Act are not yet known. Further work is required to obtain estimates for the introduction of the new processes required by the act and any resources, equipment, software or licences that may be required to support these processes.
- 4.2** With reference to the additional workload pressures as detailed in the report, an additional Elections Assistant post is being sought to help manage the additional workload. This post will be a 2 year fixed term contract at a cost of £23,910 per annum.
- 4.3** Any costs associated with the Elections Act are expected to be fully funded from DLUHC New Burdens. The funding will be provided through a hybrid approach comprising of grant payments and Justification Led Bids. An initial grant payment is expected during November 2022 with further grants provided in April 2023 and April 2024. Justification Led Bids will release funding retrospectively on the basis of evidence of spend. The claim window for this process will be Summer/Autumn 2023 and 2024.

5. LEGAL IMPLICATIONS

- 5.1** The Act has been enacted to make provision about the administration and conduct of elections. In particular it includes provision designed to strengthen the integrity of the electoral process. The Act and the secondary legislation which will be enacted set out clearly the legal duties with which the Council will have to comply. Some of these are set out in the body of this Report.
- 5.2** Save from the above there are no further legal implications arising directly from this Report.



6. RISK ASSESSMENT

- 6.1** The Returning Officer and Electoral Services Manager have started making preparations and assessing risks associated with the new demands of the Elections Act, including initiating recruitment for the additional resource required and enhancing training plans for key elections staff. A meeting has taken place between the Returning Officer and the Gloucestershire Constabulary Single Point of Contact (SPOC) to plan and prepare for any Elections Act or Voter ID issues that could arise on polling day.
- 6.2** There is a risk to the effective conduct of Elections if the regulations and guidance are not received in time for core team training before the system goes live to electors.
- 6.3** There is also a risk that the electorate will not be fully conversant with the new regulations in time for the May 2023 elections, resulting in electors being unable to vote on the day.

7. EQUALITIES IMPACT

- 7.1** The Elections Act 2022 adds additional responsibility on the Returning Officer to ensure that all polling stations are accessible for everyone. They are also required to ensure that all Polling Stations have equipment to assist electors with disabilities to vote. This includes, but is not limited to large print ballot papers, chairs for those unable to stand for any length of time and magnifiers to assist in reading ballot papers.

(END)