

# The Elections Act 2022

## Briefing for Lewisham Council – Details and Implications

The Elections Act 2022 will bring about significant changes to how we manage electoral registration and elections. Much of the detail will be supplied through Statutory Instruments that will be published between now and December 2022. This report provides information on the Act, the implications, recommended mitigations, and potential resource implications.

The headline change is the requirement for voters to show ID in polling stations before they can be issued ballot papers. There is a lot of concern locally that this change may have a considerable impact on the ability or willingness to vote for many of our residents. The council will need to plan carefully how we communicate the requirement for voter ID, and how we best prepare our residents so that nobody is unable to vote at future elections because of this measure.

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## 1. The Timetable

<b>2022</b>	
<b>18-Jan-22</b>	Launch of first Business Change Network Event
<b>February - March 2022</b>	Roundtables with Civil Society Organisations
	Passage of the Elections Bill through the House of Lords
<b>28-Apr-22</b>	Elections Bill given Royal Assent - now becomes Elections Act 2022
<b>05-May-22</b>	Local elections in England, Scotland and Wales and Assembly election in Northern Ireland
<b>From July 2022</b>	Secondary Legislation in Parliament
<b>Nov-22</b>	Accessibility statutory instruments made
	Notional Expenditure statutory instruments made
	Political Finance statutory instruments made
	Voter Identification statutory instruments made
<b>Dec-22</b>	Voter Card Service Go Live
<b>2023</b>	
<b>Jan-23</b>	Postal Vote Handling rules statutory instruments made
	Absent Vote Secrecy rules statutory instruments made
<b>By 4 May 2023</b>	First Past the Post voting system introduced for any Mayoral and PCC elections to be held on or after 4 May 2023
<b>04-May-23</b>	Local elections in England - Voter ID requirements to be in force
<b>Jun-23</b>	EU citizens' Voting and Candidacy Rights (EUVCR) changes take effect
<b>Jul-23</b>	Postal Voting rule changes take effect
	Proxy Voting rule changes take effect
	Overseas Electors changes take effect
	Online Absent Vote Applications service Go Live
<b>Nov-23</b>	Clarification of Undue Influence statutory instruments made
	Intimidation: new electoral sanction statutory instruments made
	Digital imprints statutory instruments made
<b>Dec-23</b>	EUVCR - Final removal of ineligible EU nationals on publication of Revised Register
<b>2024</b>	
<b>02-May-24</b>	Local elections in England and Wales

<b>2. Voter ID – May 2023</b>			
<b>Change</b>	<b>Impact</b>	<b>Potential Mitigations</b>	<b>Resource Implications</b>
<b>Voters will be required to identify themselves by showing an approved form of photographic identification before casting their vote in a polling station</b>	All voters need to be made aware of changes in good time to prevent issues on polling day. Electoral Commission will be running a national campaign	Borough-wide communications campaign running alongside EC campaign	Budget Pressure – funding for borough-wide comms. Project management from Comms team
		Email communication to all Voters, we hold email address for, in December 2022 (in case of any snap elections in May 2023). Repeat this communication before any election	Uses current work processes and would only require officer time to write new template and upload data
		Paper communication to all voters, we don't hold email address for, in December 2022 (as above)	Budget Pressure - approximately £35k for print and postage of 80,000 letters
		Non-statutory email poll card before elections	Uses current work processes and would only require officer time to write new template and upload data
<b>ROs will need to ensure a standard process is in place for checking voters' identification and that this can be implemented effectively by polling station staff</b>	Ballot paper issuing process will be more complicated and significantly slowed down. Impact will be even more significant if record must be kept of type of ID provided	Raise pay rates for polling staff considering more complicated role	Budget Pressure – £10-20k Raise of one grade will cost £19 per poll clerk £25-50 per presiding officer
		Additional poll clerk appointed at each polling station	Budget Pressure - £30-38k
		New register design to provide space for additional information that needs recording and manual process of supplying statistics	Budget Pressure – slight increase in cost for printing polling station registers and compiling statistics post election
		Purchase tablet solution that provides digital register, allows for poll cards to be scanned and records identification used	Budget Pressure - probably around £20-40k per election
	New statutory enveloped A4 poll card confirming Voter ID requirements	Budget Pressure - increase in printing costs for poll cards (including envelopes)	
<b>ROs may need to collect information on the type of identification supplied by voters - to be confirmed in secondary legislation</b>	RO will need to consider whether a female member of staff is employed at each polling station should an elector prefer to do their ID check with a female member of staff. This could have a significant impact on staffing elections. However, current guidance is that this is not necessary	Identify the number of polling stations where this may not be possible to estimate the impact (likely to be a low number). Obtain guidance from Borderforce regarding passport checking and whether this is a real issue	No budget pressure but could become an obstacle to polling staff allocation

	Staff will need to be trained on the new processes. This could be done through a combination of online and in-person training. It is likely that there will be an impact on how long training takes (and therefore the amount of time staff need to be paid for) and the changes may cause staff to reconsider working	Videos could be added to our online training and scenarios added to the in-person training	Budget pressure - using both online and in-person training could double the cost of training
<b>For Voters who do not have an accepted form of photographic identification, EROs will be required to provide a Voter Card - a photographic identification document free of charge for the purposes of voting in polling stations.</b>	This change will affect all voters with DLUHC estimating 2% require council issued Voter Cards. The figure would likely be higher for Lewisham considering our demographics. Estimate total of 5-10k voters	Much of this work can be done at the point of registration, ideally well in advance of an election. Additional temporary staff taken on during election periods to issue Voter Cards	Budget Pressure – DLUHC state “Central Government will cover the costs of Voter Cards for local authorities”
	EROs will also need to deliver a service to assess applications and issue Voter Cards.	Early campaign to emphasise changes and level out demand peak	Budget Pressure – additional staff for electoral services, for 3 months or more. Approximately £2.5k per month
	DLUHC intend to develop an online portal for voters requiring a Voter Card to apply.		
	Temporary Voter Cards will need to be produced until 5pm on the day before poll	Need more information on this requirement	Engagement with Community Services to assess the requirements for our local offering
	Voters will have a range of options to choose from when applying for a Voter Card - in-person, by post or online.		
	In-person applications will ensure support for voters who may need additional assistance with the application process. Local authorities will determine their own approach to this locally.		
<b>ROs will also need to ensure polling stations have suitable space to allow polling station staff to check documents, and provide a privacy screen or separate area for confidential conversations.</b>	All polling stations will need a suitable space or screen	Remove all one room polling places from scheme	Budget Pressure - purchase of privacy screens/booths
	A member of staff will be taken away from issuing ballot papers whilst checking ID		

### 3. Approved Forms of Voter ID (forms of ID that will be accepted in Polling Stations)

Identity Document	Notes	Identity Document	Notes
A United Kingdom passport		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	
A passport issued by an EEA state or a Commonwealth country;		Disabled Persons (Northern Ireland) Act 1978 (blue badge scheme);	
A licence to drive a motor vehicle granted under— 15(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	An electoral identity document issued under section 13BD of the Elections Act 2022 (electoral identity document: Great Britain);	Referred to as the Voter Card
A driving licence issued by any of the Channel Islands, the Isle of Man or an EEA state;		An anonymous elector's document issued under section 513BE (anonymous elector's document: Great Britain) the holder of which has an anonymous entry at the time of the application for a ballot paper;	
A biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007;		An electoral identity card issued under section 13C (electoral identity card: Northern Ireland);	
An identity card bearing the Proof of Age Standards Scheme hologram (a PASS card)	A wide range of identity documents are PASS accredited including:	A national identity card issued by an EEA state.	N.B. This list has been updated since the introduction of the Elections Bill. It now exhaustively sets out all concessionary travel cards that will be accepted, to avoid any confusion.
	CitizenCard	Any of the following concessionary travel passes: funded by the UK Government:	
	My ID Card	Older Person's Bus Pass	
	NUS Totum ID Card	Disabled Person's Bus Pass	
	Validate UK Card	Oyster 60+ Card	
	One ID 4 U Card	Freedom Pass	
A Ministry of Defence Form 90 (Defence Identity Card);	Commonly known as a MOD90	A Half Fare SmartPass	

#### 4. Accessibility – May 2023

Change	Impact	Potential Mitigations	Resource Implications
<p><b>Improvement of support in polling stations for people with a wider range of disabilities through a general responsibility on ROs to provide equipment to support disabled people to vote.</b></p>	<p>ROs will have a general responsibility to provide equipment to support people with a range of disabilities in the polling station, adjusting discharge of the duty as appropriate: this may require input from local disability groups and may require suitable equipment and staff depending on polling stations</p>	<p>A request has been made that a minimum level of equipment is provided to ROs. We will look to meet a standard set across London to avoid significant variation between polling places.</p>	<p>Budget Pressure - Could be up to £100 per polling place dependent on amount of new equipment required (eg. Hearing loops, braille ballot papers, recorded message devices, easy to read guides, etc</p>
	<p>The reality is it is impossible to know if a polling station needs more equipment than another. Providing different equipment would risk that equipment was available to some voters but not others.</p>	<p>One option to consider are MP3 players loaded with read outs of the ballot paper to be included in polling station equipment. Or audio files provided to all polling staff via WhatsApp which they can play to voters from their own phones</p>	

## 5. Absent Voting – July 2023

Change	Impact	Potential Mitigations	Resource Implications
<b>Postal voters will need to make a fresh application every three years (currently it's every five years)</b>	Have in place processes to handle three-yearly postal vote applications, including reminders to voters when their three-year period is to end [from June 2023]	DLUHC to determine whether forms could be sent via email initially to cut postage and print costs. System could work in stages so if no form received following email then a paper form sent.	Approx. £4k outgoing and return print/postage cost
<b>Process new postal and proxy vote applications under the new requirements. New applications for a postal vote for the maximum period from domestic postal voters will run until the third 31<sup>st</sup> January following confirmation of the application</b>	Currently 33,000 postal voters in Lewisham. Postal votes refreshed every 5 years. Format of refresh requires approximately 5,000 forms to be sent annually – with 1,000 postal votes being cancelled due to non-response (20%)	Continue to send digital poll cards which act as an early reminder for voters to apply for a postal vote.	Potential to almost double processing workload during refresh period. Likely to increase the number of 'late' postal vote applications at election time
	New process would potentially increase the number of forms sent to 12,000 annually. With 2,000 deleted. If an election is called then potentially 2,000 more applications to vote by post may be received close to the deadline.	Contact existing postal and proxy voters setting out the changes and what voters need to do to continue to vote by post or proxy	
<b>The application process for absent votes will include a process for verifying the applicant's identity.</b>	Voters will need to go through additional identification processes when they apply for an absent vote. At a snap general election this can be many thousands of voters. This will likely prolong the application process for a large number of voters, potentially meaning the late delivery of their postal vote	Digital poll cards early in the process to reduce peak and bring it away from the deadline	
<b>New clauses have been introduced to the Elections Act (via government amendments) to enable online applications for absent votes.</b>	The online application for submitting applications should significantly speed up the processing of applications.		
<b>DLUHC is undertaking a Digital Discovery process to explore how best to implement an online application service for absent votes, including identity verification by the Government.</b>	However, this is offset by the verification process. Voters not using the online service will provide paper forms that will need to be scanned, processed (with more information requiring input) and verified. Voters who fail the verification will need to be contacted to go through an exceptions process. This will require sending forms – either by post or email.		

	<p>The verification process will likely delay when postal voting data can be sent to printers. This will have an impact on the dispatch date and therefore the date they are returned. The RO will need to consider having more staff at postal vote opening sessions and a local manual issuing process for applications delayed by the verification requirement.</p>		
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<b>6. EU Voting Rights – July 2023</b>			
<b>Change</b>	<b>Impact</b>	<b>Potential Mitigations</b>	<b>Resource Implications</b>
<b>The automatic right of European citizens to register to vote, to vote, and to stand in local elections will be removed.</b>	All EU citizens on the electoral register will need to have their eligibility to be registered reviewed, at a point after the legislation comes into force, with those determined to have become ineligible - under the new provisions - being removed from the electoral register.		
<b>Two groups of EU citizens will retain their voting and candidacy rights – and therefore remain on the relevant register:</b>	Lewisham currently have approximately 22,000 EU citizens registered to vote.		
<ul style="list-style-type: none"> <li>• <b>Qualifying EU citizens’: that is citizens of a country included in Schedule 6A of the Act, at the relevant time, and who hold any form of leave to remain or do not require such leave (largely analogous to ‘qualifying Commonwealth citizens’). Note that Schedule 6A is a list of countries with which the UK has bilateral voting and candidacy rights treaties. Currently, the UK has such treaties with four countries: Poland, Spain, Portugal and Luxembourg. These countries will be listed on the Schedule at the point the provisions come into force. It is feasible that, in future, other countries will be added to this list.</b></li> </ul>	<p>Until DLUHC specify how the process of determining the eligibility will work it is difficult to understand the full impact. However, it is likely that correspondence will need to be sent to those who are no longer eligible.</p>		
		Until the policy and process are outlined in more detail – then no potential mitigations can be suggested.	Any written communications to EU citizens will cost a minimum of 41p per item

<p>● <b>'EU citizens with retained rights': that is those persons who were already resident in the UK or Islands at the end of the Implementation Period following our exit from the EU (31/12/20). Such persons are also required to have maintained lawful immigration status.</b></p>	<p>Once we enter Business as Usual, then we would hope that the IER Digital Service would have a method of verifying eligibility through use of visa and settled status codes, or a declaration to the effect</p>		
<p><b>EU citizens elected into office before the measures in the Act come into force can remain in office for their full term, irrespective of immigration status, and irrespective of whether they qualify under the new eligibility criteria.</b></p>	<p>New measures will not come into force until June 2023, therefore it will be our next local elections in 2026 where this will become relevant</p>	<p>Early communication in advance of the relevant elections with local parties and candidates</p>	
<p><b>For EU citizens elected after these measures come into force, the Act provides that the individual must have leave to enter or remain, or not require such leave.</b></p>	<p>At the 2026 local elections – they would need to meet the requirements.</p>		

## 7. Overseas Voters – July 2023

Change	Impact	Potential Mitigations	Resource Implications
<p><b>The 15 year limit on expatriates' right to vote in UK Parliamentary elections will be removed and all British citizens overseas who were previously registered or resident in the UK will be enfranchised.</b></p>	<p>When an overseas registration is made we will need to verify the previous address by:</p> <ul style="list-style-type: none"> <li>- Checking past copies of the register or</li> <li>- where this is not possible, via documentary evidence or checking local records; or</li> </ul>	<p>The service already has a process in place that allows for searching a wider number of addresses and register years than an elector's application provides. This could be widened to also include checking Council Tax records during the first check in order to try and close the application as quickly as possible.</p>	<p>Inevitably there is going to be more work than previously. At Parliamentary elections our number of overseas electors tends to double from 750 to 1500. These figures have been rising at each election</p>
	<ul style="list-style-type: none"> <li>- where none of the above is possible, via an attestation from another registered elector</li> </ul> <p>We hold registers back to 1946 however, they are only digital from 1999. Therefore to check the registration of any elector who left the UK prior to 1999 will be a manual process.</p> <p>Could use Council Tax data if historical records are kept digitally</p>		
<p><b>Those enfranchised will be entitled 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.</b></p>	<p>It is hard to quantify how many additional voters will register in Lewisham. However, overseas registration is already a formidable task at snap elections and this change could be a considerable challenge. The service will need a comprehensive process that minimises the resource required.</p>	<p>We could consider undertaking a project to locate lapsed overseas registrations when the change is brought in. We could then contact the potential elector about registering and potentially reducing the peak.</p>	<p>This will be a data mining project for an officer and could be undertaken within current resources.</p>
	<p>This process should reduce the number of overseas voters who drop off the register and then need to re-register whilst also ensuring that renewals are not needed around traditional election time.</p> <p>However, there is the potential that overseas voters may remain on the register when they have returned to the UK or that they have moved again overseas.</p>		
<p><b>The registration period for overseas voters will be extended from one year to up to three years. Voters will be able to reapply or refresh their absent vote arrangements at the same time as renewing their overseas declaration. Renewals will be linked to a fixed point of 1 November.</b></p>	<p>This process should reduce the number of overseas voters who drop off the register and then need to re-register whilst also ensuring that renewals are not needed around traditional election time.</p> <p>However, there is the potential that overseas voters may remain on the register when they have returned to the UK or that they have moved again overseas.</p>	<p>One option is a quarterly email to all overseas voters confirming they are still registered and their absent vote arrangements with text confirming that we will send this correspondence every 3 months and we are not aware of any forthcoming elections.</p>	<p>Currently, there is no automated method to send these emails. Data reports would therefore need to be run and uploaded to Notify quarterly. This would require officer time but would be countered by reducing peaks at elections.</p>

	<p>EROs and ROs are encouraged to contact overseas voters at the beginning of an election period to inform them of their registration and absent vote arrangements. However, as all general elections will now be unscheduled and therefore data for postal votes sent to printers almost immediately after the announcement – the elector will not have time to complete this application and will therefore need to complete a new application. This will delay the dispatch of their postal voting pack</p>		
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NB. Late additions:

- Candidate’s home addresses for parliamentary elections – candidates can now put their local authority name instead of constituency where they live
- Candidate’s to be allowed to use middle names as commonly known as names
- DLHUC not confident on their timeline for Voter ID – current thinking is it’s unlikely they can meet their initial timetable
- Nomination forms. Looking at reducing the number of subscribers for local elections from 10 to 2