



City of Doncaster Council

Report

Date: 21 November 2023

To: The Chair and Members of the

ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE

Report Title: Elections Act 2022 Update

Relevant Cabinet Member(s)	Wards Affected	Key Decision?
Cllr Jane Nightingale, Portfolio Holder for Corporate Resources	All	No

1. EXECUTIVE SUMMARY

This report is designed to provide an update on the Elections Act 2022, with a particular focus on the new measures which have recently been implemented since the last meeting and new measures due to be implemented early next year.

The most recent changes are postal and proxy voting revisions and the implementation of online absent vote applications via the ERO portal which is currently already used to apply for a Voter Authority Certificate (free photo ID).

2. EXEMPT REPORT

This is not an exempt report.

3. RECOMMENDATIONS

This report is for information, the Committee is asked to note the report and make any additional comments in relation to the contents.

4. WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

From October 31st 2023 it will be possible to apply for a postal or proxy vote online for elections in England. Before, electors had to fill in a paper form and send it to Electoral Services to be processed to receive an 'absent vote' (postal vote) when Elections occur. Electors have been able to do online registration for years now and it's proven popular by the main way in which people register to

vote, therefore it is expected that this will soon be the main way in which people also apply for a postal vote.

5. BACKGROUND

The Elections Act 2022 received Royal Assent on 28 April 2022, with many changes spanning over two years. We have already seen the introduction of Photo ID at a polling station, free photo ID in the form of a Voter Authority Certificate, extended election accessibility measures and first past the post for Mayor and PCC elections to name a few. The next set of measures to be implemented are postal and proxy voting revisions.

6. CHANGES TO POSTAL AND PROXY VOTING

Online absent vote applications

From 31 October 2023 electors (except for anonymous electors) are able to apply for an absent vote (postal vote) online via <https://www.gov.uk/apply-postal-vote>. Since the portal went live on 31 October up to the 10 November we have received 13 postal vote applications and one proxy vote application.

Electors can apply for the following absent votes both online and through a paper application:

- Postal vote
- Proxy vote for a particular election or referendum
- Proxy application for definite or indefinite period for overseas and service electors

Electors are currently not able to apply for the following absent votes online but can continue to be applied for through a paper application

- Proxy postal application
- Proxy application for definite or indefinite period due to disability
- Proxy application for definite or indefinite period due to employment, service etc.
- Emergency proxy application

New Identity checking requirements

All absent vote applications (except for emergency proxy applications) made on or after 31 October 2023 must contain a National Insurance Number (NINo) or a reason why one cannot be provided. The personal identifiers contained on the application (name, address, date of birth and NINo) must initially be verified against Department of Works and Pension (DWP) data. Where an application fails to match with DWP data – electors will be required to provide documentary evidence to verify their identity. Where this is not possible, electors must submit an attestation to confirm their identity.

Maximum period for absent vote applications

From 31 October 2023, a postal vote can be in place for:

- a particular poll (poll held on specific date)

- a definite period of not more than 3 years
- a maximum period of up to 3 years

Electors applying for a postal vote from 31 October 2023 onwards will only be able to hold their postal vote until the third 31 January following the date on which their application was granted.

For electors with a long-term postal vote (in place before 31 October 2023) there will be transitional arrangements. Existing domestic electors will be able to vote by post for relevant polls until 31 January 2026 meaning there will be no requirement for the annual signature refresh in January 2024 or 2025.

Proxy voters can continue to put in place a proxy arrangement for an indefinite period (subject to a three yearly eligibility check and signature refresh). However, all existing proxy voters who have an arrangement in place before 31 October 2023 must reapply and make a fresh application by 31 January 2024. Electoral Services intend to send out a notice to existing proxy voters informing them of the need to reapply in December.

Changes to proxy voting limits

The number of people a person can act as proxy for has also been restricted. From 31 October 2023, a person is not entitled to vote as proxy in any electoral area on behalf of more than four electors. Within the four electors, no more than two electors can be domestic electors. Domestic electors are those electors who are neither service voters nor overseas electors.

7. OVERSEAS ELECTOR'S REGULATIONS

The draft statutory instrument implementing Elections Act changes for overseas electors has been laid in Parliament. Debates will take place late this year, with the secondary legislation currently expected to be made and come into effect on 16 January 2024. The Representation of the People (Overseas Electors etc.) Amendment Regulations 2023 removes the 15-year limit on voting rights for British citizens abroad and extends the overseas franchise to all British citizens who have been previously registered or resident in the UK. It will also extend the length of time an overseas elector may remain registered between renewals from one year to up to three years, with a fixed expiry date of 1 November.

8. HANDLING AND HANDING IN OF POSTAL VOTES AND THE SECRECY OF ABSENT VOTING

The Representation of the People (Postal Vote Handling and Secrecy) (Amendment) Regulations 2023 – This draft legislation applies provisions in the Elections Act around the handling and handing in of postal votes and the secrecy of absent voting. It requires people handing in postal voting documents at a polling station to complete a 'return of postal voting documents form'. Which include provisions on rejecting postal votes where the form has not been completed, where the maximum number of postal votes handed in is exceeded, or where postal votes have been handled by a campaigner. The rules are expected to take effect at elections on or after 2 May 2024. The limit will be set out in secondary legislation and is expected to be 5, plus the person's own postal vote.

9. EU CITIZENS' CANDIDACY AND VOTING RIGHTS

In England, automatic entitlement will cease for EU citizens to register to vote, vote, stand for election and hold public office. The rules are expected to take effect in May 2024, after the 2 May elections.

Two groups of EU citizens will retain their rights:

- **'Qualifying EU citizens'** that is citizens of a country included in Schedule 6A to 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.
- **'EU citizens with retained rights'** 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.

All EU citizens on the electoral register will therefore 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 relevant electoral register. EU citizens elected to 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.

10. BALLOT SECRECY ACT 2023: 'FAMILY VOTING'

A Commencement order has been made to bring Ballot Secrecy Act provisions into force on 2 May 2024. The Act makes it an offence at UK parliamentary elections and local elections in England for a person to be with or near another person at a polling booth, with the intention of influencing them.

11. IMPRINTS REQUIRED ON SOCIAL MEDIA CAMPAIGN MATERIAL

From 1st November 2023, a digital imprint must be included on any campaign material issued on social media by any of the following persons:

- a registered party
- a registered non-party campaigner
- a candidate or future candidate
- an elected office-holder

Councillors are included in the definition of "elected office holder" so in future any campaign posts issued by either elected Councillors or those who have announced their intention to stand for election must by law include an imprint.

Further information can be found at

<https://www.electoralcommission.org.uk/statutory-guidance-digital-imprints>





12. OPTIONS CONSIDERED





Elections and Electoral Registration is a statutory function and must be carried out in accordance with statutory requirements. The core Electoral Services team are attending key meetings and training to keep up to date with the new implementations on an ongoing basis and ensure the Contact Centre is continually briefed on changes. A review of polling station staff training will also be required to cover the changes and the Department of Levelling Up, Housing and Communities (DLUHC) recommends an extra Poll Clerk per polling station to help with voter identification and completing Postal Vote handling in forms - we have up to 173 polling stations in Doncaster.

13. REASONS FOR RECOMMENDED OPTION

This report is primarily for information only.

14. IMPACT ON THE COUNCIL'S KEY OUTCOMES

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change				✓
Comments:				
 Developing the skills to thrive in life and in work				✓
Comments:				
 Making Doncaster the best place to do business and create good jobs				✓
Comments:				
 Building opportunities for healthier, happier and longer lives for all				✓
Comments:				

 Creating safer, stronger, greener and cleaner communities where everyone belongs				✓
Comments:				
 Nurturing a child and family-friendly borough				✓
Comments:				
 Building Transport and digital connections fit for the future				✓
Comments:				
 Promoting the borough and its cultural, sporting, and heritage opportunities				✓
Comments:				
Fair & Inclusive	✓			
<p>The Council has a duty to ensure Elections and Referendums are well managed to allow all eligible electors to freely vote by secret ballot ensuring freedom of expression and political debate by exercising their vote. The Council has worked hard to ensure that voting is accessible to all. A full Polling Places review was carried out in 2019 and full risk assessment reviews in 2021 to ensure all Polling Stations are compliant with the requirements of the Disability Discrimination Act 1995 and will continue to be reviewed to ensure they meet any new legislative requirements.</p>				

15. Legal Implications [Officer Initials: SRF | Date: 11/11/2022]

The Elections Act 2022 received Royal Assent on 28 April 2022, it introduces a number of changes to how elections are conducted in the UK. This will have an impact on local authorities and the core Electoral Services Team, who will be responsible for implementing much of the change. The Electoral Integrity Programme (EIP) in the Department for Levelling Up, Housing and Communities (DLUHC) is supporting the electoral sector to implement the changes.

16. Financial Implications [Officer Initials: CR | Date: 10/11/2022]

The government have committed to providing New Burdens Funding to local authorities to cover the increased costs resulting from implementing measures in the Elections Act.

Section 31 Grants (2022 – 2024) received so far:

- £12,954 (November 2022)
- £6,901 (April 2023)
- £37,189 (August 2023)

17. Human Resources Implications

Human Resources Implications have not been requested for this report.

18. Technology Implications

Technology Implications have not been requested for this report

19. RISKS AND ASSUMPTIONS

Ensuring the necessary arrangements are in place to ensure the Council, RO and ERO meets the Electoral Commission's Performance Standards and complies with their legal statutory duties. Delivering well-run elections improve our reputation and meeting the Electoral Commission's Performance Standards.

20. CONSULTATION

Not applicable

21. BACKGROUND PAPERS

Association of Electoral Administrators newsletters www.aea-elections.co.uk

22. GLOSSARY OF ACRONYMS AND ABBREVIATIONS

ERO – Electoral Registration Officer

RO – Returning Officer

DLUHC - The Department of Levelling Up, Housing and Communities

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