



# City of Doncaster Council

## Report

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**Date: 28 February 2024**

**To: The Chair and Members of the**

**ELECTIONS AND DEMOCRATIC STRUCTURES COMMITTEE**

**Report Title: Elections Act 2022 Update**

### **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 next.

Due to the City of Doncaster Council not having national Elections in May 2023 some of the changes made last year will not have affected voters until the elections taking place in May this year.

### **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?**

Helping voters to understand the democratic system is an important part of the City of Doncaster Council's role. Many changes to the Elections Act will have not affected most voters in Doncaster until May's Elections this year.

### **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 (VAC), extended election accessibility measures, first past the post for Mayor and PCC elections and online absent vote applications to name a few.

## 6. VOTER IDENTIFICATION

The majority of the country took to the polls using photo ID for the first time in the May 2023 elections. However, the City of Doncaster Council didn't have any national elections in May 2023, therefore, on 2 May this year, voters in Doncaster will be required to show acceptable photo ID in a polling station for the first time. Forms of ID which are accepted include Passports, Photo Driving Licences, Blue Badges and Older Persons Bus Passes.

Two By-Elections took place under the new rules in November 2023 for the Rossington & Bawtry ward and Stainforth Town Council areas. Therefore, some residents in those areas are already aware of the requirement to take acceptable ID in order to vote in a polling station at any upcoming future Elections.

### How is the City of Doncaster Council raising awareness

We know from UK Government and the Electoral Commissions research that the vast majority of voting age adults (around 96%) hold an acceptable form of photo ID. But the same research also identified demographics less likely to have eligible ID. A number of these – “white people, the unemployed, and those with low education and qualifications” – can be reached effectively by mass advertising. Others face significant or compounding barriers, such as the over 85s, disabled people, trans and non-binary people, homeless people, and the Gypsy, Roma and Traveller communities. We intend to do more Partnership working – more than we have ever done before to help reach some of these audiences to a greater extent and sharing with them resources available to help promote the message.

In September 2023 we created an A5 coloured flyer to inform people about the new voter ID requirement including acceptable forms of ID with QR codes and links to more information and free photo ID. On the other side is more information on voter ID and how 17 year olds (attainers) could register now to ensure they are ready to be able to vote as soon as they turn 18. This flyer was sent to over 50,000 properties in September with our annual canvassing letters to those properties that required a canvass response. Since November a further 14,500 flyers were sent out with all 'Invitation to Register' forms and will continue to be sent with future forms.

In February the flyer will be sent out with approx. 140,000 annual Council Tax bills and be included in any new bills raised thereafter.

We will be running a 12-month radio advertising campaign from mid-February in all DCLT leisure centres across Doncaster (Doncaster Dome, Dearne Valley Leisure Centre, Askern Leisure Centre, Adwick Leisure Centre, Armthorpe Leisure Centre, Balby Fitness Village and Rossington Community Pool). Our message will initially focus on registering to vote and voter ID and will be played every hour between the hours of 6:30am – 9:30pm 7 days a week. The message is changeable throughout the campaign to cover May's Election, the UK Parliamentary General Election and the Annual Canvass.

Poll cards will be sent out to residents in March informing them of May's upcoming Election, they will be in the form of a 'poll letter' to include the full list of acceptable forms of ID along with the link of how/where to obtain free voter ID (VAC). We will repeat this in relation to any other elections held in Doncaster this year.

As well as the above City of Doncaster Council web pages include detailed information regarding Voter ID and how to obtain free voter ID (VAC). All Social Media platforms will increase activity over the coming months regarding the upcoming elections including the requirement for Voter ID as well as other Elections Act changes.

### **What else is being done to help raise awareness**

The Electoral Commission have launched their awareness campaign across England and Wales. The campaign aims to raise awareness of the requirement for voters to show photo ID when voting at the polling station on 2 May. The campaign also aims to ensure that people who do not have an accepted form of photo ID are aware that they can apply for free Voter ID (Voter Authority Certificate).

There will be two main phases:

1. **8 January to 24 April** – alongside their key message, this phase will focus on raising awareness of the option of applying for free voter ID.
2. **24 April to 2 May** – after the deadline for applying for free voter ID has passed, the campaign will move on to a final push to remind voters to bring photo ID to the polling station.

They'll be advertising on all the traditional channels, such as press, radio, TV, search and display, social media, and out of home billboards. As well as continuing to use some exciting channels that they've started exploring over the past couple of years, such as cinema, in-game, and digital out of home.

## **7. 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, to date we have received 112 online applications and 127 paper applications so far, all of which include the new identity checks to include national insurance and date of birth which also came into force from 31 October 2023.

### **Changes to proxy voting limits**

The number of people a person can act as proxy for has 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. All existing proxy voters were contacted last year who had an arrangement in place before 31 October 2023 informing them of the new rules and that they must reapply and make a fresh application by 31 January 2024. The updated proxy limit is now included on polling cards and when any fresh proxy application is made.

## **8. OVERSEAS ELECTOR'S REGULATIONS**

The draft statutory instrument implementing Elections Act changes for overseas electors has been laid in Parliament and came into effect on 16 January 2024. [The Representation of the People \(Overseas Electors etc.\) Amendment Regulations 2023](#) the 15-year limit on expatriates' right to vote in UK Parliamentary elections has been removed and all British citizens overseas who were previously registered or resident in the UK will now be enfranchised.

Those enfranchised are 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. The registration period for overseas electors has been extended from one year to up to three years. Electors 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. They will be able to use the online portal to register and apply for a postal vote.

Since the changes to the 15-year limit on expatriates' right to vote in UK Parliamentary elections was removed on the 16<sup>th</sup> January 2024, to date we have received 54 applications.

## **9. HANDLING AND HANDING IN OF POSTAL VOTES AND THE SECRECY OF ABSENT VOTING**

The handling and handing in of postal votes and the secrecy of absent voting will change for polls taking place from 2 May 2024. It requires people handing in postal vote packs at a polling station or to the Returning Officer via hand delivery to the Council Civic Office 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. There will be a limit on the number of postal votes a person can hand in at a polling station – they will not be allowed to hand in more than five postal ballot packs for other electors plus their own. If a person hands in more than five postal ballot packs for other electors, all the postal votes (other than their own) will be rejected.

Political campaigners will be banned from handling postal votes, except where the postal vote is their own, that of a close family member, or someone they provide regular care for.

A political campaigner is defined in legislation as:

- a candidate at the election
- an election agent of a candidate at the election
- a sub-agent of an election agent at the election
- employed or engaged for the purposes of that person's activities as a candidate
- a member of a registered political party and carries on an activity designed to promote a particular outcome at the election
- employed or engaged by a registered political party in connection with the party's political activities
- employed or engaged by a person within paragraphs (a) to (f) to carry on an activity designed to promote a particular outcome at the election

- employed or engaged by a person within paragraph (g) to carry on an activity designed to promote a particular outcome at the election

If found guilty of handling postal votes as a campaigner, a person could face a fine and/or imprisonment up to two years.

## **10. 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.

## **11. 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.

## **12. IMPRINTS REQUIRED ON SOCIAL MEDIA CAMPAIGN MATERIAL**

From 1<sup>st</sup> 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>




### 13. 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 Electoral Commission and Department of Levelling Up, Housing and Communities (DLUHC) recommends extra Poll Clerks on high turnout polling stations to help with voter identification and completing Postal Vote handling in forms.

### 14. REASONS FOR RECOMMENDED OPTION

This report is primarily for information only.

### 15. 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
 <b>Tackling Climate Change</b>				✓
Comments:				
 <b>Developing the skills to thrive in life and in work</b>				✓
Comments:				
 <b>Making Doncaster the best place to do business and create good jobs</b>				✓
Comments:				

 <b>Building opportunities for healthier, happier and longer lives for all</b>				✓
Comments:				
 <b>Creating safer, stronger, greener and cleaner communities where everyone belongs</b>				✓
Comments:				
 <b>Nurturing a child and family-friendly borough</b>				✓
Comments:				
 <b>Building Transport and digital connections fit for the future</b>				✓
Comments:				
 <b>Promoting the borough and its cultural, sporting, and heritage opportunities</b>				✓
Comments:				
<b>Fair &amp; Inclusive</b>	✓			
<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. The next full Polling Places Review will be completed by January 2025. Electoral Services team are attending key meetings and training to keep up to date with the new Elections Act implementations on an ongoing basis.</p>				

## **16. LEGAL IMPLICATIONS [Officer Initials: SRF | Date: 16/02/2024]**

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.

## **17. FINANCIAL IMPLICATIONS [Officer Initials: PH | Date: 20/02/2024]**

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)

Confirmation of a further grant of £62,545 to be received in April 2024 towards extra polling station staff, additional polling staff training of Elections Act changes, processing online VACs, Absent Votes and Overseas applications as well as Election Act awareness campaigns.

The grant funding should only be spent on work / equipment relating to the Elections Act and any unspent funding should be rolled forward at year end.

## **18. HUMAN RESOURCES IMPLICATIONS**

Human Resources Implications have not been requested for this report.

## **19. TECHNOLOGY IMPLICATIONS**

Technology Implications have not been requested for this report

## **20. 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.

## **21. CONSULTATION**

Not applicable

## **22. BACKGROUND PAPERS**

Association of Electoral Administrators newsletters [www.aea-elections.co.uk](http://www.aea-elections.co.uk)

## **23. GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

ERO – Electoral Registration Officer

RO – Returning Officer

DLUHC - The Department of Levelling Up, Housing and Communities



## **REPORT AUTHOR & CONTRIBUTORS**

Trina Barber, Electoral Services Manager  
Legal & Democratic Services

Tel: 01302 734398

E-mail: [trina.barber@doncaster.gov.uk](mailto:trina.barber@doncaster.gov.uk)

**Damian Allen**

**Returning Officer/Electoral Registration Officer**