

APPENDIX ONE

1. THE ELECTIONS ACT 2022

1.1 The Elections Act 2022 received royal assent on 28 April 2022. It contains a wide range of proposals to make “new provision for and amend existing electoral law to ensure that UK elections remain secure, fair, modern, inclusive and transparent”.

For clarity, the changes apply to:

- UK Parliamentary elections in Great Britain
- Police and Crime Commissioner elections in England and Wales
- English local government polls.

The Elections Act 2022 will:

- require local authority Electoral Registration Officers (ERO) to issue free voter identification documents to eligible residents without valid photo ID (process expected to commence from January 2023).
- require voters to show photo ID at polling stations before a ballot paper is issued (expected to be in place for elections from May 2023).
- extend election accessibility, including requiring Returning Officers to take all reasonable steps to provide support for voters with a disability in polling stations (expected to be in place for elections from May 2023).
- change voting and candidacy arrangements for EU voters (expected to be in from June 2023).
- scrap the ‘fifteen-year rule’ to allow all British citizens living overseas to vote in UK Parliamentary elections, regardless of when they left the UK (expected to be in place from July 2023).
- enable electors to apply online for an absent vote, with both online and paper applications requiring the applicant’s identity to be verified (expected to be in place from July 2023).
- restrict the handling of postal votes, including limiting the number of postal votes an individual can hand in (likely to be in place from autumn 2023).
- require postal voters to reapply every three years, replacing current rules of refreshing their signature every five years (transitional arrangements in place from January 2024).
- further limit the number of people someone may act as proxy for (expected to be in place for elections from May 2024)
- amend current provisions for the Parliamentary accountability of the Electoral Commission
- amend the law about political finance
- introduce a new disqualification order which a court must impose, unless the court considers it unjust to do so

- introduce a new requirement for digital campaigning material to display a digital imprint

1.2 PHOTO IDENTIFICATION IN POLLING STATIONS

The voter identification affirmative Statutory Instrument is expected to be laid in Parliament in November. This will result in major changes in the voter experience in a polling station. The legislation requires that a Returning Officer must ensure that each polling station contains an area in which voters can produce proof of identity in private. The acceptable documents are any of the following documents (in whatever form issued to the holder) that contain a photograph of the holder—

- (a) a United Kingdom passport,
- (b) a passport issued by an EEA state or a Commonwealth country,
- (c) a licence to drive a motor vehicle,
- (e) a biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007,
- (f) an identity card bearing the Proof of Age Standards Scheme hologram (a PASS card),
- (g) a Ministry of Defence Form 90 (Defence Identity Card),
- (h) a relevant concessionary travel pass
- (i) 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 Disabled Persons (Northern Ireland) Act 1978 (blue badge scheme),
- (j) an electoral identity document,
- (k) an electoral identity card (electoral identity card: Northern Ireland).

All of the above will have to be reflected in the poll card sent to polling station electors. This will cease to be the card as we know it but will become an A4 document in the future.

As part of the voter identification legislation referred to above, EROs will be required to provide a Voter Authority Certificate free of charge to any eligible elector who applies for one. The Voter Authority Certificate is expected to be an A4 sized, paper-based document displaying the elector's name, photograph, date of issue, recommended date of renewal, issuing local authority and an alphanumerical reference number. There will be three varieties of this electoral identity document: the Voter Authority Certificate – previously referred to as the Voter Card; the temporary Voter Authority Certificate, which EROs will have discretion to provide in contingency situations; and the Anonymous Electors Document, for use by anonymous electors only and which will have to be renewed non an annual basis.

The Certificate will also contain inherent security features. A centralised printing service will be in place for EROs to use to print Voter Authority Certificates, with subsequent delivery to electors via Royal Mail.

The temporary Voter Authority Certificate will also be an A4 paper document but will be printed locally on regular paper by EROs (on a colour printer in the local authority office) and will be valid for a specified polling day only. Security will be provided by the ERO, or an agent appointed by the ERO, signing the temporary Certificate to validate it and protect against fraud.

In the polling station, only the Presiding Officer or a Poll Clerk is permitted to inspect the identity document. DLUHC estimate that this provision will require an additional poll clerk at a cost of approximately £200 to be appointed to each polling station, and there will be additional expenditure relating to the provision and storage of identity screens and mirrors, this cost is currently unknown. It will also be necessary for each local authority to have a specific camera and printer to produce, again, cost currently unknown.

There will be some central funding in the first two years for additional staff time, poll clerks, the purchase of one camera and one printer-scanner per local authority (if required); and one privacy screen and mirror per polling station (if required).

1.3 ACCESSIBILITY AT POLLING STATIONS

Returning Officers will have a general responsibility to take all reasonable steps to support voters with disabilities. The changes include:

- The provisions for voters to be assisted by a companion will be extended to allow anyone over the age of 18 to assist.
- At the discretion of the Returning Officer who must have regard to Electoral Commission guidance, each Local Authority will be need to provide a range general accessible equipment. This is likely to include the following equipment which should, as a minimum, be provided to all polling stations:
 - Chair/seating
 - Magnifiers
 - Tactile voting device
 - Polling booth at wheelchair
 - Staff name
 - Pencil grip
 - Ramps (for buildings with steps)

- Temporary alerters or doorbells for any doors that are required to remain shut during the day (for example, fire doors)
- Appropriate
- Reserved parking spaces reserved for voters with disabilities (where parking is available at the venue)
- There is likely to be a requirement for additional staff training and, possibly extra staff to implement the changes.
- There will be a need for accessibility staff to assess polling stations for suitability

1.4 VOTING AND CANDIDACY ARRANGEMENTS FOR EU VOTERS¹

EU citizens will no longer automatically be able to register to vote, vote, and stand for election at local elections and referendums in England, and at any elections where the local government franchise is used

Two groups of EU citizens will retain their rights:

- qualifying EU citizens from countries with reciprocal agreements, and who have leave, or do not require it, to remain in the UK. Currently Luxembourg, Poland, Portugal and Spain have entered into reciprocal agreements.
- EU citizens with retained rights' who were resident in the UK before 1 January 2021

This will require the ERO to ensure that the registers reflect the franchise changes accurately, including reviewing existing EU electors, and processing applications in line with new eligibility criteria (from June 2023)

This change does not affect Irish, Maltese and Cypriot citizens.

Electoral registration forms will have to be amended and nomination papers changed for future elections.

1.5 15 YEAR RULE – OVERSEAS ELECTORS

The 15 year limit on voting rights for British citizens living overseas will be removed. Overseas electors will be able to register at an address where they were previously registered, or if they were not registered, where they were previously resident. The registration period will be increased to three years, and renewals will be linked to a fixed point of 1 November.

Will apply at UK Parliamentary elections and is expected to be in place before elections in spring 2024. In the meantime, the ERO will need to manage the amended application process from July 2023. The determination process will include checking

past copies of registers, use of local records, and attestation if other records are not available. There will be a need to administer new renewal process (three yearly and linked to 1 November).

There will also be a need to process absent vote applications in line with new requirements.

The ERO will need to prepare for a potential increase in applications as number of people who qualify as overseas electors could triple. There could be a corresponding increase in the number of postal votes sent overseas

1.6 ABSENT VOTING

Postal voters will need to make a fresh application every three years instead of the current five yearly refresh of signatures. This change will be transitional, starting from June 2023

The application process for absent voters will include a process for verifying identity, in a similar way to individual registration. Electors will be allowed to act as proxy for no more than four people, of which no more than two can be 'domestic' electors (i.e. not overseas or service electors). These changes are expected to be introduced ahead of the spring 2024 polls

Political parties and campaigners will be banned from handling postal votes. There will also be a limit on the number of postal votes a person can hand in at polling stations (limit will be set out in secondary legislation). Secrecy requirements will be extended to postal and proxy votes. These provisions are rules expected to be in place at polls from Spring 2023

The ERO will need to manage the three-yearly postal vote application process and renewal process from June 2023, and to contact existing postal and proxy voters about renewing their absent vote before January 2024. need to be process online identity verification process for absent vote applications from July 2023.

The RO will need to have arrangements for recording postal votes handed in at polling stations, so that votes can be counted or rejected accordingly, at polls from May 2023.

1.7 FIRST PAST THE POST

The next Police and Crime Commissioner election will be run on a first past the post system which will replace the supplementary vote system used for the previous elections in 2021.

1.8 REDUCTION IN SUBSCRIBERS

The number of subscribers will be reduced on a nomination paper for principal area elections in England from ten to two. This amendment comes into effect for scheduled elections and by-elections on or after 4 May 2023.