

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY AND FINANCE COMMITTEE

meeting date: TUESDAY, 12 SEPTEMBER 2023
 title: ELECTIONS ACT 2022
 submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
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1 PURPOSE

1.1 To inform Committee about the provisions of the Elections Act 2022 due to come into force.

1.2 Relevance to the Council’s ambitions and priorities:

- Community Objectives – } The Council aims to be a well-managed Council. An
- Corporate Priorities – } early understanding of the changes to the electoral
- Other Considerations – } process will assist in this.

2 BACKGROUND

2.1 The Elections Act 2022 (“Act”), makes a range of changes to electoral law and processes. Committee will recall that the first tranche of those changes which included the introduction of Voter ID and new accessibility requirements were implemented for the elections in May 2023.

2.2 The second tranche of changes come into force in advance of the May 2024 polls. Statutory Instruments have been laid before parliament setting out the relevant provisions and the dates on which they come into force. These provisions relate to:

- Absent Voting.
- Overseas elections.
- EU citizens’ voting and candidacy rights.
- Postal vote handling and secrecy and commonly used names.

They will apply at the following types of elections:

- UK Parliamentary elections in Great Britain.
- Local Elections in England – including mayoral elections.
- Police and Crime Commissioner elections in England and Wales.

3 ISSUES

Absent Voting

3.1 A number of provisions will come into force on 31 October 2023, which make extensive changes to the way in which both postal and proxy voting will be administered.

- 3.2 Electors will have the option to apply for a postal vote and some types of proxy vote using a new online portal. This application will be made via the same portal as is used for applying for a voter ID certificate.
- 3.3 At the same time identity verification requirements will be introduced for all absent vote applications, whether they are made online or by the paper route, except for emergency proxies. All applications will be subject to a DWP check, similar to, the process for applications to register to vote. For applicants whose identity cannot be verified by the DWP check, there will be a need to follow an exceptions process and, failing that, an attestation process.

Elections Officers will require training, on the new systems, how to apply the exceptions procedure and what is required for a valid attestation. The additional checks required may increase the work involved in processing applications, although it is not known at this stage how many applications will not be verified by DWP.

- 3.4 Postal vote arrangements will also be limited to a maximum of three years, at which point the elector will need to make a new application. This will replace the current requirement to submit a fresh signature every five years. Again, it is likely that this will increase the volume of work required by Elections officers in order to process applications.
- 3.5 The total number of electors for whom a person may act as a proxy will be limited to four, of which no more than two can be domestic electors (i.e. an elector that is neither an overseas elector nor a service voter). In addition, all electors who have a permanent proxy vote will be required to reapply for their proxy vote before 31 January 2024.
- 3.6 The Council will seek to ensure that the above changes are communicated prior to their implementation to ensure that the electorate are informed and able to take the appropriate steps to ensure that their absent voting arrangements are maintained should they wish to do so.

Overseas electors

- 3.7 The Act and regulations will remove the 15-year limit on expatriates' right to vote in UK Parliamentary elections. All British citizens overseas who were previously registered or resident in the UK will be enfranchised.
- 3.8 The registration period will be extended to a maximum of three years and renewals will be set to a fixed point of 1 November, in line with the updated absent voting provisions for overseas electors.
- 3.9 Overseas electors will have the option to re-apply for a postal or refresh their proxy vote, which will then be 'tied' to the new three-year period of registration (unless a shorter period for the absent vote is specified by the elector and it therefore expires before)

Postal vote handling and secrecy

- 3.10 From May 2024, there will also be changes to the handling of postal votes and secrecy arrangements relating to them. The restrictions on the handling of postal votes, will include:
- Prohibition of political campaigners handling postal votes, except where the postal vote is their own, that of a close family member or someone that they provide regular care for.
 - limits on the number of postal votes that a person can hand in at polling stations and council offices.
 - any person who hands in postal votes at polling stations or council offices will be required to complete a form.
 - Secrecy requirements will be extended to postal and proxy vote.

EU citizens' voting and candidacy rights (EUVCR)

Changes to voting rights

- 3.11 New provisions relating to EUVCR will come into force in November 2023 but will only take effect after the scheduled elections in May 2024. Those changes will mean that in England the general right of European Union citizens to register, vote, and stand in UK elections which use the local election franchise will be removed. Two groups of EU citizens will however retain their voting and candidacy rights:
- 'Qualifying EU citizens' – i.e. citizens of EU countries which have a reciprocal agreement with the UK Government, currently Luxembourg, Poland, Portugal and Spain – these countries are sometimes referred to as the EU4.
 - 'EU citizens with retained rights' – i.e. EU citizens from any other EU country who were already legally resident in the UK before 31 December 2020 – these countries are sometimes referred to as the EU20. This change will not affect the rights of citizens from Ireland, Malta or Cyprus.

- 3.12 Elections Officers will therefore need to:

- identify EU citizens who should have their eligibility reviewed as part of an Eligibility Confirmation and Review (ECR) process 14;
- write to electors that they identify as being 'Qualifying EU citizens' and 'EU citizens with retained rights', to inform them that they are eligible to remain registered and that they do not need to take any action; and
- make changes to the application process in order to determine applications under the new eligibility criteria.

Changes to candidacy rights

- 3.13 The changes to candidacy rights for EU citizens are due to come into force from 7 May 2024. Transitional arrangements will enable EU citizens elected to office before this date to remain in office for their full term. After this date EU citizens standing as candidates will need to have been legally resident in the UK prior to 31 December 2020 (i.e., have

leave to enter or remain in the UK, or do not require such leave) or be a citizen from an EU4 country (Luxembourg, Poland, Portugal and Spain) in order to be eligible to stand as a candidate.

- 3.14 These changes will need to be incorporated into the Council's training for officers going forward to ensure the new rules are understood, when supporting candidates and agents and managing the nomination process.

Undue influence and intimidation

- 3.15 These provisions are due to come into force in November 2023 and will apply to elections taking place from May 2024. The measures apply to all election types in England.
- 3.16 The offence of undue influence will be simplified, and the types of illegal behaviour used to unfairly influence someone's vote will be defined.
- 3.17 A new disqualification order will be introduced, providing that anyone who has been convicted of an existing criminal offence of an intimidatory nature will be disqualified from standing for election, being elected to, or holding a relevant elected office for a period of five years.

Commonly used names

- 3.18 This provision will apply to all election types in England, from May 2024. This will provide greater flexibility in the names a candidate can put on their nomination paper. This will allow, for example, someone who is commonly known by their middle name, to use only this name on their nominations paper rather than having to use both their first name and middle name as is currently the case.

Candidate addresses

- 3.19 This provision will apply for UK Parliamentary elections from May 2024. This measure will allow candidates for UK Parliamentary elections who wish to withhold their home address from the ballot paper to use their local authority area as their address as an additional alternative to the constituency area.

Digital imprints

- 3.20 Campaigners will be required to include imprints on their digital political campaign material.
- 3.21 With respect to all of the upcoming changes to electoral processes, the Council will ensure that a communications plan is in place, so that the electorate and prospective candidates are aware of the changes, what action they need to take, the dates by which they must take it and the support which is available from the Council.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – Significant additional resources will be required in order to implement the provisions of the Act. The Government has confirmed that New Burdens funding is to be made available to implement such changes.
- Technical, Environmental and Legal – Legal Services comment are incorporated into the body of the report.
- Political – No implications identified.
- Reputation – Proper implementation of the provisions will enhance the Council's reputation.
- Equality & Diversity – The Government has completed an Equality Impact Assessment for the implications of the proposed amendments to the voting process. The provisions on accessibility are intended to enhance disabled voters experiences and to ensure that they are not disadvantaged.

5 CONCLUSION

5.1 Committee is asked to note the content of this report.

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