

Implementation of Elections Act 2022

Whilst much of the Elections Act 2022 has already been become law, other parts are still subject to secondary legislation and are scheduled to come into force over the next 18 months. This report focuses on the most imminent changes that are required to be implemented by Barnet's Returning Officer (RO), Electoral Registration Officer (ERO) and Barnet Electoral Services.

With several essential Statutory Instruments still to be written (or at least shared with ROs, EROs and electoral administrators), there is a great deal of detail that is still unclear on many aspects of the new rules that the Elections Act is bringing into law. This situation is changing rapidly and a full evaluation of the impact upon local authority resources is still not possible. This is particularly the case given the expectation that, with the GLA elections in May and the as yet unscheduled Parliamentary elections, there will be two very high-profile elections being held in 2024.

1. Voter Authority Certificates

The Voter Authority Certificate (VAC) application portal and production services launched on 16 Jan 2023. All Electoral Services team have undertaken training and keep up to date with ongoing enhancements and improvements to the service (as hosted by DLUHC).

- 1.1 Although there was an initial small number of applications, mainly due to the publicity for elections held outside of London in May 2023, a very large surge of VAC applications is anticipated prior to the GLA elections in May 2024.
- 1.2 The certificate is free of charge and the deadline for applications is 5pm, 6 working days ahead of poll. There are different methods available to make the application and there will be demand on staff to process paper applications, anonymous electors and emergency applications.

Resource implications: Extra staff time processing the applications and dealing with queries will be required, especially nearer to deadline days. We intend to start publicising Voter ID shortly via various channels, which may have a cost implication. The GLA will also have their own publicity campaign which we will share.

Poll staff will require training on how to deal with VACs if brought to the polling station.

2. Voter ID

Voter ID was introduced for elections held in May 2023 (outside of London) but May 2024 will be the first time that it is required across all London boroughs. All electors must now show an accepted form of photo identification to vote in a polling station.

Resource implications: Much publicity and elector communications regarding voter ID will be starting shortly across London. Poll cards must now be larger to contain prescribed wording relating to Voter ID and this will add cost to both printing and postage.

An extra Poll Clerk, additional resources and a 'private' area, will be required in polling stations which will again have a variable cost implication. It might be required that there is (so far as is practicable) a female member of staff at every polling station.

The recruitment and training of a large number of additional polling staff is a significant new burden upon the preparations and costs of future elections.

Additional detailed information about the new responsibilities specific to Voter ID must be provided to and understood by all polling staff when they are trained.

3. Voting Systems

The Elections Act introduced 'first past the post' voting arrangements for regional mayoral elections and this will be used for the first time at the Mayor of London Elections on 2 May 2024. Following the change to the legislation, the Greater London Returning Officer made a decision that, for the first time, the GLA election counts will be carried out manually and will take place over two days.

Resource implications: Organisation of the count now needs to be carried out locally (by local Constituency Returning Officers) rather than by the GLA. More count staff will need to be employed over two days to ensure the count is carried out as per relevant legislation. Meetings with Camden, our constituency partner borough, and Enfield and Haringey regarding the count arrangements at Alexandra Palace have commenced.

4. Online Absent Vote Applications

There are many significant changes to absent votes, both postal and proxy, being brought into force by the Elections Act.

4.1 The Online Absent Vote Applications (OAVA) portal will go live on 31 October 2023 - with further enhancements due before January 2024 to make it fully functional. All applications received, whether online or on paper, will require identity checks as part of the postal vote application process.

4.2 Applicants will be required to provide their National Insurance Number and checks will be made against DWP records. If a NI number is not known or the elector is not verified by DWP, then the elector will need to provide documentary evidence. A wet ink signature and date of birth are still required for all applications (for online applications this needs to be uploaded by the elector to the portal).

4.3 Any old versions of postal and proxy forms can no longer be used. A link to the new online portal has been added to Barnet's elections webpage and has also been inserted into future elector communications. Paper versions of the form are being developed by the Electoral Commission and these can be sent to, or downloaded by, electors who have difficulty applying online.

4.4 Postal vote arrangements will be limited to a maximum of three years, at which point the elector will need to make a completely new application. This replaces the 5-year signature refresh system previously in place.

4.5 It will no longer be possible to scan paper applications directly into elections software systems as at present. DLUHC have reported that they are looking at ways to improve this, but in future the officers will need to enter the applications manually onto the OAVA portal. This will include having to individually crop and scan the elector's signature sample each time. ERO teams across the country have provided feedback that this method is not acceptable given the likely number of postal vote applications in the run up to elections.

4.6 Last minute postal vote applications will place a huge strain on the Electoral Services team during election periods, especially if paper forms are received close to deadline days. If old style application forms are received these must be rejected and the link to the portal/new forms will need to be sent with the new requirements included. This may cause delays near to deadline days, especially if further evidence of identity is required from the elector.

4.7 All Electoral Services officers have attended available in-depth training on the portal, and the new ways of working in the Election Management Software System (being provided by the DLUHC and the AEA). As further changes are introduced to the OAVA portal and guidance is updated, further training will be attended as required.

Resource implications: The statutory instrument that enabled the OAVA portal to commence on 31 October was only approved (by the relevant DLUHC Minister) on Friday 6 October 2023. This has meant that the many changes in processes must be implemented rapidly across all relevant

electoral software systems and staff procedures and across the whole UK. A range of training is being provided across the UK electoral sector and all of the Electoral Services officers are learning together. It will however take some time for teams to become familiar with the new requirements and to accurately evaluate the likely impact as the May 2024 elections approach.

5. Proxy Vote Changes

New limitations on Proxy Voting arrangements are being introduced and will have an immediate effect on all existing Proxy Voters.

After the 31 October 2023, EROs must notify all existing proxy voters that: a) their proxy vote entitlement ends on 31 January 2024, b) that they need to re-apply if they still wish to have a proxy voting arrangement and c) how they do so.

- 5.1 The number of people someone can act as a proxy for will change to 4 electors (only 2 of which can be domestic UK electors). This information is on the new form designed by the Electoral Commission and will be included in all future communications.
- 5.2 Although electors can apply online for an ordinary proxy application, anyone wishing for a postal proxy or an emergency proxies must still provide a paper-based form, which Electoral Service Officers will need to process manually through the ERO portal.
- 5.3 An elector with a permanent proxy voting arrangement will need to re-apply every 5 years, replacing the 5-year signature refresh system.

Resource implications: There will be no DLUHC funding for proxy renewal letters and these are required to be sent by post (email cannot be used).

The period in which signature refreshes have formerly been completed (annually in January) will change as Absent Votes will expire on 31 January in future years. The effect on staff resources over the next few years will need to be evaluated as the new processes are brought in.

6. Postal Vote Handling Restrictions

Postal Vote Handling restrictions are scheduled to be put in place for the elections on 2 May 2024 (subject to secondary legislation). There will be significant changes to who can handle elector postal vote packs and applications – including who can hand them in at polling venues or council offices.

- 6.1 It will be an offence for political campaigners to handle postal votes at all.
- 6.2 There will be a limit placed on the number of postal votes a person can hand in (or 'hand-deliver') and a statutory form must be completed in each instance. Should more postal votes than the statutory number be handed in, or if there is a refusal to complete the relevant form, all the postal vote packs will be rejected. The electors must be written to after the poll to inform them of the rejection reason (along with other PV rejection letters).

Resource implications: Detailed training will need to be provided to all polling staff (and to any relevant council office reception staff where a postal vote ballot box is placed) on the new Postal Vote 'handing-in' procedures.

After the election the rejected forms and rejected postal votes will need to be scanned so that a rejection notice can be sent to affected electors. This will require extra staff resource post-election in addition to the normal PVI rejection letters sent out and may cause disgruntled electors.

7. Overseas Electors (British Citizens living overseas)

Subject to secondary legislation being passed, from 16 January 2024 the 'fifteen-year rule' is set to be removed and all British citizens living overseas will be entitled to vote in UK at Parliamentary elections - regardless of when they left the UK.

- 7.1 Where an application is received by an Overseas Elector that cannot be identified as a registered elector in Barnet from our previous registers, the individual will need to provide documentation that gives evidence of prior residency in the borough. Where this evidence is no longer available, there will be an attestation process by which another registered elector can 'vouch' that the applicant was indeed a former resident of the borough.
- 7.2 Future Overseas Elector registrations will last for 3 years, unless cancelled by the elector before that time and renewals will be set to a fixed point on 1 November each year.
- 7.3 If an Overseas Elector also applies for a postal vote it is intended that this will be linked to their electoral registration and last for the same 3-year period.

Resource implications: Based on previous Parliamentary elections, we anticipate a very large increase in new overseas voter registrations as the next general election approaches. With the 15-year rule abolished this figure is likely to be higher than ever. Older Overseas Elector applications will require a great deal of additional administrative time, as each application will need to be checked on past registers or have provided documentation of residence verified. Further to this, there will be additional strain put upon the processes for Absent Vote arrangements, as these are understandably required for virtually all Overseas Electors.

8. Voter Registration and Voter ID Awareness

In response to the new responsibilities being introduced by the Elections Act 2022, the Barnet Electoral Services team has undertaken a number of activities to encourage voter registration and raise awareness of Voter ID requirements, including:

- 8.1 **Community engagement:** The team has attended many community events and increased public outreach communications over the last few months to raise awareness of Voter ID requirements and encourage democratic engagement. For example, the team have recently given two presentations to the local MENCAP group regarding how voting works (including setting up a mock polling station, allowing users to practice and ask questions about how to present their Voter ID). The team also hosted a busy stall at the Middlesex University 'Freshers Fair' to encourage student registration and inform young (and often new) electors about voter ID requirements.
- 8.2 **Liaison with key stakeholders:** The team has liaised with a number of key stakeholders, including the Registrars team at Hendon Town Hall, the Private Sector Housing team, and local groups, to promote voter registration and Voter ID awareness. From these discussions, a number of key activities have been initiated, such as; Electoral Services Officers now attending Citizenship Ceremonies to immediately assist new British citizens with registering to vote, the Electoral Services Manager has started conversations with the Private Sector Housing team about attending landlord forum meetings and agreeing for news items (regarding registering to vote and voter ID) to be placed in their newsletters to private sector tenants.
- 8.3 **Public awareness campaigns:** The team has launched a number of public awareness campaigns to promote voter registration and Voter ID awareness. For example, the team worked with Barnet's communication team to take part in London Voter Registration week, 18-24 September, and posted social media posts throughout the week encouraging voter registration on Facebook, Twitter/X, and Barnet Youth Instagram. The team also attended the Barnet Together Conference to initiate contact with more local community groups and find further ways to promote registration, Voter ID, and the other changes from the Elections Act. In addition, the team is currently engaged in a wide review of processes to update all of its various communications with electors and residents, to include relevant

information about Voter ID requirements and provide links to the new online absent vote portal where appropriate.

Resource implications: While the Electoral Services team have been able to attend an increased number of events throughout the summer and autumn of this year, mainly due to no major elections taking place in 2023, this will become far more challenging as the May 2024 elections approach.

Ensuring high levels of awareness regarding Voter ID, and the other often complex requirements upon electors being introduced by the Elections Act, will be critical - but will increasingly take place during a period when the Electoral Services is at its busiest with electoral registration and election preparation activities.

Good public awareness campaigns, via multiple channels, will be heavily relied upon (including supporting those that may be undertaken by the GLA, Electoral Commission and national government departments' communications teams), but will continue to require much officer input. Local awareness activities will also incur additional costs for artwork and messages to be set-up and distributed/displayed via multiple media channels.

With further legislative changes and responsibilities scheduled to be introduced up to and beyond the May '24 elections, there will continue to be a drain on limited staff resources. Some of the coming activities will require further large scale write outs (and other forms of contact) with existing and new electors (e.g. changes to EU citizen voting franchises).

As more activities and processes are changed and introduced in response to Election Act '22 rules, Electoral Services core staff will continually be required to undertake further rounds of detailed mandatory training.

Finally, whilst Barnet was only mildly affected, there are also changes to elector communications and election preparations required subsequent to the Parliamentary boundary changes (most notably for Friern Barnet ward electors) at the next General Election.