

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

<p>SUBJECT: Elections Act 2022 – Voter ID MEETING: Democratic Services Committee DATE: 26 September 2022 DIVISION/WARDS AFFECTED: All</p>

1. PURPOSE:

To provide members with an update on the introduction of the Elections Act 2022 and the impact of the introduction of voter ID in order to cast a vote.

2. BACKGROUND:

The Elections Act 2022 (the act) will introduce the need for voters to provide photo identification in order to vote in some elections with effect from May 2023.

The provisions within the act will require voters to provide ID to vote at UK Parliamentary elections and Police and Crime Commissioner elections. It will not apply to Senedd and local government elections in Wales as responsibility for the administration of those elections is devolved and has not been granted legislative consent to implement the rules in Wales.

Electors will have to show an approved form of photo identification before voting in a polling station. The list is extensive but includes passport, photo driving license, national ID card and immigration document. Student cards, railcards and photocopies of ID (including showing ID on a mobile phone) cannot be accepted. Expired identity documents may be used provided that the photo still resembles a likeness to the voter.

Voters who do not have photo ID available to present at the polling station can apply to the local authority for a free Voter Authority Certificate. Voters will need to complete an application either online or on paper, provide a photo of themselves that meets certain requirements and potentially provide documentary evidence to confirm their identity before the certificate is issued. The deadline to apply for this certificate will be set at 5pm 6 working days before polling day.

Should a voter find their ID lost, stolen, destroyed or damaged beyond use after this deadline then they may apply for an emergency proxy where someone with ID available to them may vote on their behalf.

All certificates will be issued from central government and local authorities will not be able to produce certificates directly to voters. The certificate will have in built security features to prevent reproduction and those templates will not be available to local authorities to issue directly to voters.

All polling stations will need to have a private area within them for electors to provide their identity in private if they wish to do so. This could be a separate room within the polling station or privacy screens will need to be used to cordon off a specific area for this purpose.

Only the presiding officer and poll clerk can inspect the identity document. A presiding officer must refuse to give an elector a ballot paper if they have reasonable doubt that the photographic identification does not look like the elector or if they suspect the document to be forged. The presiding officer's decision is final and may not be questioned in any way.

Other implications in the act include:

- Restricting political parties and campaigners from handling postal votes
- Limiting the number of postal votes that can be handed in at any one time. Number to be confirmed in secondary legislation but expected to be 5 plus the persons own postal vote.
- Electors will not be able to act as a proxy voter for more than four people, of which no more than two can be domestic voters (i.e not overseas or service voters).
- Introduce requirement for voter identity to be checked when applying for a postal vote. The ability to apply for a postal vote online will also be introduced though this method of application and identity check will not apply Senedd and local elections.
- Removal of the 15 year limit on voting rights for British citizens living overseas.

Secondary legislation which will confirm more of the detail of implementation is due to be laid by November 2022.

It is also worth noting that the UK Governments Infrastructure and Projects Authority have rated delivery of the act in their risk register as a high risk. They define the act as: *'Successful delivery of the project appears to be unachievable. There are major issues with the project definition, schedule, budget, quality and/or benefits delivery which at this stage do not appear to be manageable or resolvable. The project may need rescoping and/or its overall viability reassessed.'*

3. KEY ISSUES

The first election in Wales where voter ID will be required will be at the next UK Parliamentary election. The latest date for this election is January 2025 but could be held anytime between now and then. For most local authorities in England the requirement will commence at their local elections in May 2023 which will likely be ahead of the next UK Parliamentary election. The implementation of this requirement in Wales at a UK Parliamentary election will be significant. A parliamentary election has the highest turnout of all elections (approx. 75% compared to 45% at the recent local elections) in Monmouthshire. There is potential for a significant number of voters not being able to

vote for not having the required documentation, even where they may be registered to vote, and will result in accusations of disenfranchisement and potential negative publicity.

The divergence in administration between devolved polls and those legislated for by the UK Government will likely increase confusion amongst voters as to what the requirements are for various polls. This would be especially true if polls were to be combined. For example, if a local government by election was combined on the same day as a UK Parliamentary election, voters would need to show photographic ID in order to vote in the Parliamentary election, but would not need to do so for the local government election and could vote without providing the ID in that poll.

Communicating the requirements to voters will be key to the successful delivery of this project. The Electoral Commission will be responsible for conducting national campaigns to raise awareness to voters. The Department for Levelling Up, Housing and Communities (DLUHC) who have responsibility in central government for the implementation of the act have confirmed that no funding will be provided to local authorities to communicate in writing with all voters in advance of the poll. The written communication that voters will receive to communicate the requirements will be the poll card that voters usually receive in advance of the poll. It is expected that the poll card will no longer be an A5 card due to the need to communicate the new requirements and provide a list of accepted identity as well as provide information bilingually. DLUHC have confirmed funding will be provided to cover an A4 poll card however this may not be sufficient for Welsh authorities. Any other communications will need to be funded by local authorities for a national election.

There are concerns around the impact of centrally provided identity documents and the potential for those items not to be delivered to electors in time for polling day, particularly where they apply for identity close to the deadline. In those instances the voter can apply for an emergency proxy to allow someone else to vote on their behalf even though the voter will have taken all the steps necessary to allow them to vote in person themselves. Where applications are made in person there would be an expectation that voters could take their certificate with them at that time but this will not be possible.

A review of the polling stations used at elections will be required to ensure that all polling stations have suitable space to allow for the checking of identity documents or construction of a private area within it. This may result in some polling stations closing and voters being redirected to their nearest suitable polling station.

There will be a significant administrative burden on the local authority due to the new requirements. Local authorities will be required to check all applications for identity that are received, follow up on any issues with applications and approve them for printing. This is on top of already administratively heavy processes, particularly at a UK Parliamentary election where turnout is higher, including processing

applications to register to vote, processing duplicate registration applications, processing postal/proxy voting applications that increase significantly once poll cards are delivered and answer general queries from voters on where to vote, confirmation of registration etc. Polling station staff will require extensive training on the new rules to ensure they are delivered accurately and additional workloads may also lead to increased levels of pay required to attract individuals to perform those duties.

4. RESOURCE IMPLICATIONS:

All costs associated with an election are normally met by the government with responsibility for setting the election. Some funding arrangements are in place to support the delivery of the act from DLUHC including additional costs for poll cards and purchase of equipment for polling stations. Crucially, any additional communications work that local authorities wish to undertake will not be funded centrally and will need to be met by local authorities.

Additionally, funding arrangements are on a blanket approach across the UK so whilst authorities in Wales do not have elections scheduled for 2023, claims for funds and purchase of equipment will need to be made towards the end of this financial year and early into next year for any justification led bids for funds outside the scope of items already accounted for.

4. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

None.

5. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

None.

6. AUTHOR:

John Pearson, Local Democracy Manager
Email: johnpearson@monmouthshire.gov.uk