

# ***Information Digest***



**Date: 10<sup>th</sup> October 2023**

***Update on the Elections Act 2022***

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**1. Reason for the Report**

- 1.1 To provide an updated on the further implementation of the Elections Act 2022, so far as they are relevant to the organisation of elections for the Council.

**2. Recommendation**

- 2.1 That the report be noted.

**3. Executive Summary**

- 3.1 The Elections Act 2022 ('the Act') received Royal Assent on 28 April 2022. The Act contains various provisions which will impact upon the administration and conduct of elections in the United Kingdom.

- 3.2 The main provisions which will impact upon the administration of Council elections are: 1) a requirement for photographic identification for voters, 2) changes to the postal vote process 3) improved accessibility for people with disabilities 4) changes to the process for voters voting by proxy, and for British citizens who live overseas.

- 3.3 The provisions are subject to phased implementation. The voter ID provisions went live on Monday 16<sup>th</sup> January 2023, and the voter accessibility provisions were implemented in time for the Local Elections in May 2023. This digest explains the timetable associated with the implementation of further provisions within the Act.

**4. How this report links to Corporate Priorities**

- 4.1 Not applicable

**5. Alternative Options**

- 5.1 Not applicable

## 6. Implications

### Financial Comments

- 6.1 The additional resource costs have been incorporated into the Council's medium term financial plan. A reserve fund has been established in respect of the Local Elections in May. The Government has indicated that 'new burdens' funds will be available to offset the additional costs associated with the new provisions and the funds will be used where available.

### Legal Comments

- 6.2 This report sets out the key changes to electoral administration and conduct to ensure the Council meets its obligations under the Elections Act 2022 and subsequent secondary legislation in the form of Regulations, and to ensure that the Council meets its obligation (under section 54 of the Representation of the People Act 1983) to provide sufficient resources to the Electoral Registration Officer.

Mark Trillo

### **Executive Director (Governance & Commissioning)**

#### Web Links and

#### Background Papers

<https://www.legislation.gov.uk/ukpga/2022/37/c/contents/enacted>

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## 7. Detail

- 7.1 The Elections Act 2022 received Royal Assent on 28 April 2022 and contains various elements which will impact on how elections are administered and conducted in the UK. The scope of the Act is wide ranging and covers the following main areas which will impact upon the conduct of Council elections. Further provisions from the Act are now anticipated to come into force, this report highlights the main implications for the Council and the electorate.

## **Absent Voting**

7.2 The following provisions are due to come into force on 31st October 2023 and will apply for all types of election in England.

- Electors will have the option to apply for a postal vote and some types of proxy vote using a new online portal.
- New identity verification requirements will be introduced for all absent vote applications, whether they are made online or by the paper route, with the exception of emergency proxies:
- Application forms will require a National Insurance Number to be included
- 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.
- Postal vote arrangements will be limited to a maximum of three years, at which point the elector will need to make a new application.
- All electors who have a permanent proxy vote will be required to reapply for their proxy vote before 31 January 2024
- The personal identifiers (PI) refresh process for proxy voters and postal voters at devolved polls remains the same however and will continue to operate on the five-year refresh cycle.

## **Overseas Electors**

7.3 The following provisions are expected to come into force in January 2024:

- The removal of 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
- 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

- 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**

7.4 These provisions are anticipated to be in effect for polls taking place from May 2024:

- There will be new restrictions on the handling of postal votes, including:
  - a ban on 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 votes

### **Parliamentary Constituencies Boundary Changes**

7.5 The Boundary Commission has now concluded the 2023 Review of Parliamentary constituencies in England. When the draft Order is approved by the Privy council, the new constituencies will be used for the next General election following that date (for any by-election that may take place, beforehand existing constituencies are used)

7.6 Staffordshire Moorlands boundaries will change with 95.7% of the electorate making up the Staffordshire Moorlands constituency. A new constituency, Stoke-on-Trent South, has been created and contains the remaining 4.3% of the Council’s electorate.

7.6 Details of the changes can be found on the Boundary Commission website on the link below

<https://commonslibrary.parliament.uk/boundary-review-2023-which-seats-will-change/>

