

14 March 2024

Implementing tranche 2 of Elections Act 2022

Ward(s): All

Portfolios: All

1. Aim

The purpose of this report is to inform the Scrutiny Overview Committee of changes to aspects of electoral administration as part of the implementation of second tranche of Elections Act 2022. It provides a summary of the changes in terms of postal vote applications, postal vote handling and for overseas electors which are all being implemented ahead of elections scheduled for 2 May 2024. Responsibilities for the implementation of legislative changes sit with the Returning Officer and Electoral Registration Officer and the report details the actions being taken by the Council to fulfil these responsibilities.

2. Recommendations

Scrutiny Overview Committee are recommended to note the changes being introduced by Elections Act 2022 legislation, the responsibilities of the Returning Officer and the Electoral Registration Officer and the actions being taken to deliver these responsibilities.

3. Report detail – know

3.1 The aim of the Elections Act 2022 is to enhance the administration and conduct of elections in the United Kingdom. It introduces several key changes. Prior to elections in May 2023 the introduction of voter identification and changes relating to accessibility were implemented. Ahead of elections in May 2024, changes to postal vote applications, postal vote handling and qualification for overseas electors are being implemented.

3.2 **Online absent voter applications (OAVA).** Since October 2023 electors have been able to apply for a postal or proxy vote online via www.gov.uk. This is the fastest and most secure way for an elector to make an application. In doing this the identity of electors is checked against DWP records in a similar way to when electors register to vote.

3.3 When applying for a postal vote, electors are required to provide their national insurance number and although the simplest and safest way to apply is via the government portal this has not removed the provision of paper application forms. New paper application forms have been designed to reflect the requirement to provide a national insurance number. Application forms that do not include the national insurance number are rejected as they cannot be processed.

- 3.4 The Elections Team are required to input information from paper applications to the government portal to ensure consistency in the processing and to enable the matching with DWP data. This has placed an additional administrative burden on the Election Team the government is continuing to try and improve the portal and the processing time required.
- 3.5 As with the introduction of Voter ID in 2023, the Elections Team have worked with Walsall Connected so they are able to support those electors that require a postal vote to apply via the government portal as this offers the greatest security of their personal data.
- 3.6 The Election Team have been proactive in contacting existing postal and proxy voters regarding the change in requirements in applying for an absent vote and are processing all applications being received.
- 3.7 **Postal vote handling.** Restrictions on the handling of postal votes were introduced in January 2024. These restrictions apply to political campaigners and to individual electors.
- 3.8 A close family member (e.g., Spouse, Civil Partner, Parent, Grandparent, Brother, Sister, Child or Grandchild). If political campaigners do handle the postal vote of a family member, the relationship is declared on the 'return of posting voting documents'. It is a new criminal offence for any political campaigner found in possession of a postal vote that is not theirs or that of a close family member. If found guilty a person could face a fine and / or imprisonment up to two years.
- 3.9 There is now a limit on the number of postal votes an elector can hand in at a polling station. This limit is postal ballot packs for up to five other electors and their own. When handing in postal votes at a polling station the elector is now required to complete a form with their name, address and, where appropriate, the reason for handing in other people's postal votes. This accompanies the postal votes when they are returned to the election's office / count venue. They will also need to complete a declaration that they are not handing in more than the permitted number of postal vote packs and that they are not a political campaigner.
- 3.10 The limits to number of postal vote packs being handling and the requirement to complete a declaration form which apply at polling stations also apply to elector's hand delivering postal votes to the Returning Officer, for example handing in at the Council House / Civic Centre building. Any postal votes left at any council building, mailbox or via internal mail without a completed 'return of postal voting documents' form being completed will be rejected.
- 3.11 Other grounds for the rejection of votes include if it is suspected a person has already handed in the maximum number of postal votes on any previous occasion at the election, if the return of postal voting documents form is not completed with all the required information and if someone attempts to hand in more than five postal ballot packs for other electors. As with current practice, the Electoral Registration Officer (ERO) will write to electors who have had their postal votes rejected, explaining the reason for the rejection.
- 3.12 In addition to the changes regarding postal vote handling, secrecy requirements which apply at polling stations are being extended to postal and proxy votes. This

means it is now an offence to try and find out how someone has voted when completing their postal vote, or to communication how a postal or proxy voter has voted. Anyone found guilty of breaching secrecy requirements could face a fine or imprisonment for up to six months.

- 3.13 Information regarding the changes to postal vote handling will be shared at the Candidates and Agents briefing and has been included in a presentation to all elected members. In addition, this will be included in training for polling station staff.
- 3.14 **Overseas electors.** In January 2024 the 15-year limited on British citizens living overseas being able to vote was abolished. This means any British overseas citizen is able to register to vote in the electoral area they lived in before leaving the UK, providing residency in the UK can be evidence (e.g., previously included in the electoral register documentary evidence for the qualifying address etc.).
- 3.15 Overseas electors can apply to register online via www.gov.uk/registertovote and are encouraged to apply for a postal or proxy vote. Electors living outside of mainland Europe are advised that a postal vote may not arrive in time and to appoint a proxy to vote on their behalf. Overseas electors are only able to vote in UK Parliamentary General Elections.

4. Financial information

The Government has provided all Local Authorities with a grant to cover some of the costs associate with the implementation of Elections Act 2022. There are specific restrictions on how this grant can be used but includes elector engagement and some administrative costs. There are currently no additional financial implications for the council in relation to implementing the second tranche of Elections Act 2022.

5. Reducing Inequalities

The Elections Act 2022 was introduced to the House of Commons in July 2021 and received Royal Assent on April 28, 2022. Its primary objectives are to enhance the security, accessibility, and transparency of elections and campaign in the United Kingdom. Given these primary objectives, implementing the requirements of the legislation align with ensuring all eligible electors have the opportunity to participate in the upcoming elections, reducing any inequalities in the participation of the electoral process.

6. Decide

Scrutiny Overview Committee are asked to note this report regarding the 2nd tranche of the Elections Act 2022 and the actions being taken by the council to implement these requirements.

7. Respond

As part of the ongoing implementation of the Elections Act 2022 the Elections Team under the guidance and direction of the ERO and RO will continually review and revise activity to ensure responsibilities are fulfilled.

8. Review

This report sets out the latest changes being implemented as part of tranche 2 of the Elections Act 2022 and the additional requirements placed on the council in terms of the responsibilities of the ERO and RO. The Election Team will complete a post-election evaluation to identify learning and potential improvements.

Background papers

A previous report on voter reforms being implemented in 2023 was received by Scrutiny Overview Committee in April 2023 [Voter reforms and raising awareness](#).

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