

## Elections Act 2022 – Voter ID

Performance, Finance and Customer Focus Overview and Scrutiny Committee



### 1. BACKGROUND

The 2022 Act<sup>1</sup> is the result of a list of recommendations made by then Sir Eric Pickles in 2016, as part of his Electoral Fraud review. ‘Sir Eric Pickles MP said:

“Last year’s court ruling in Tower Hamlets was a wake-up call that state bodies need to do far more to stamp out corruption and restore public confidence. It was local residents who lost out from the crooked politicians who bullied them and wasted their money. The law must be applied equally and fairly to everyone. Integration and good community relations are undermined by the failure to uphold the rule of law and ensure fair play.”<sup>2</sup>

The impact of the court proceedings in Tower Hamlets after the 2014 local elections will be felt across the country for many years to come. The new Act imposes new duties on both ROs and EROs, and these duties will be the focus of the rest of this paper.

However it needs to be pointed out that subordinate legislation has not yet been finalised or laid before the House of Commons. These measures will therefore be implemented incrementally over the next few years. The Department for Housing, Levelling Up and Communities (DHLUC) will set out the timetable for the expected implementation of the various measures. The Act itself is therefore the primary source of information for this report.

Civil servants in DHLUC have set up a change programme for local authority staff, as they draft secondary legislation that will enable ROs and EROs to implement the provisions in the Act. There will be much discussion on the measures to be implemented, as the change network will be looking for clarity and effective processes which will allow EROs and ROs to meet their new obligations.

The report author participates in the Business Change Network set up by DHLUC. This group of senior electoral service staff from across the country meets on a regular basis with civil servants, to discuss process maps and raise practical issues relating to the implementation of the provisions in the Act.

### 2. PURPOSE

The purpose of this report is to:

- inform members of the Performance, Finance and Customer Focus Overview and Scrutiny Committee the key points about the 2022 Elections Act, and Voter ID in particular
- highlight the risks, action and resources required for the effective implementation of the provisions of the Act

### 3. KEY ISSUES FOR CONSIDERATION

Running elections and electoral registration activities are both devolved activities to the level of local

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<sup>1</sup> [Elections Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>2</sup> [Sir Eric Pickles publishes report into tackling electoral fraud - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

authorities. This is markedly different to many other democratic countries, where a national electoral commission undertakes these responsibilities.

Every local authority is required to appoint a Returning Officer. A senior council official is appointed by the local authority – often the Chief Executive or Head of Paid Service. It is the RO who is then personally responsible for holding elections in the area of the local authority. This is a personal responsibility which cannot be delegated. In Plymouth City the RO and the ERO is Tracey Lee, who is also the Chief Executive.

Similarly the ERO has the duty to compile and maintain a complete and accurate register of electors for the local government area. The register so created is deemed to be the personal property of the ERO – it is not the property of the council – and can only be used for electoral purposes, with certain circumscribed exceptions.

The Elections Act 2022 contains a number of provisions which will impact on the entire framework within which ROs and EROs function. This includes significant changes to the Electoral Commission and how this body now reports into government. The Association of Electoral Administrators has published a briefing note on the Act.<sup>3</sup>

Guide to key milestones of the Act can be found in Appendix 2.

This report will focus on the Voter's ID.

#### 4. VOTER ID

The policy decision for voter identification flows from Manifesto pledges in 2017 and 2019 following on from Sir Eric Pickles August 2016 report on electoral fraud.

The **timeline for the development of voter identification** has been:

- Use of photographic documents piloted by number of authorities using a variety of options in 2018 and 2019
- Long term and ongoing discussions with the AEA, SOLACE and EC on policy and process
- Elections Act 2022 receiving Royal Assent in April 2022
- Establishment of Expert Panel and Business Change Network
- Voter identification SI now out for consultation with the EC and has been shared with AEA and SOLACE for comment and discussion
- Beta testing due to start in late September 2022
- Laying of voter identification SI on 6 November 2022, with it expected to come into effect by mid-January 2023 in readiness to be used at 4 May polls.

The Elections Act 2022 introduced the requirement for electors to identify themselves by showing an accepted form of photographic identification document before being issued with a ballot paper. This will apply at:

1. UK Parliamentary elections
2. Recall petitions
3. local elections in England
4. local referendums in England
5. Police and Crime Commissioner elections in England and Wales
6. UK-wide national referendums

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<sup>3</sup> [Briefing-Note-Elections-Act-2022-and-other-topical-issues- \(1\).pdf](#)

The defined list of acceptable identification for relevant elections in GB can be found in Schedule 1 of the Act (and at Appendix B of this report). Legislation defines the list of acceptable documentation and makes it clear that polling station staff will not have latitude to accept other documents in lieu of those specified by the Act. This list can be updated in future, if necessary, through secondary legislation.

Photographic identification **will not** be required for parish polls or business referendums (business NPRs).

Expired photo identification will be accepted so long as the photo remains a good enough likeness to be able to identify the elector.

Proxy voters will need to show their own photographic identification and not that of the elector they are voting on behalf of.

EROs will be required to provide an electoral identity document – called a **Voter Authority Certificate** ('Voter Cert') to eligible electors in GB who apply for one.

There will be three 'versions' of the 'Voter Authority Certificate':

- the Voter Authority Certificate - referred to as the Voter Card throughout Parliamentary passage of the Elections Act;
- the temporary Voter Authority Certificate - which EROs will have discretion to provide in contingency situations; and

Anonymous Elector's Document - for use by registered anonymous electors only

The Voter Authority Certificate will be an A4 paper-based document, with inherent security features including patterning and watermarks, displaying:

- The elector's name
- Photograph
- Date of issue
- Issuing local authority
- An 'identifier' (i.e. a reference number)
- Recommended renewal date

Scanned or emailed applications will not be permitted.

Applicants will need to provide their name, address, date of birth, photograph and National Insurance Number (NINo). The NINo will be checked through the ERO Portal (EROP).

Electors can apply at the same time as they apply to register to vote. To minimise the number of unregistered electors applying for a Voter Authority Certificate, the Certificate application routes will use appropriate signposting to the Register to Vote service. Similarly, the Register to Vote service will include new signposting to the Voter Authority Certificate application service for those who need to apply for one.

The deadline for applications for electoral identity documents will be 5pm on –6, - so 6 working days ahead of a poll.

UK Government has contracted with a Print Supplier for production and dispatch of Voter Authority Certificates.

Digital and paper applications will utilise the EROP to check NINOs with DWP. The EROP will also support other processing of applications, including requesting additional documents and making verified applications available for the Print Supplier.

The ERO will have the option to print a **temporary Voter Authority Certificate** up until 5pm on polling day where:

- the elector has made a valid application before the deadline which has been processed, determined and sent to the print suppliers; but
- elector has not received their substantive Voter Authority Certificate before polling day.

There is no application process for a temporary Voter Authority Certificate – the elector must contact the ERO and if the above criteria apply, the ERO can decide to issue a temporary Voter Authority Certificate. The ERO can opt to wait until the day before poll to issue temporary certificates to maximise the chance of delivery of substantive certificates.

The temporary Voter Authority Certificate will be valid only for the relevant polling day and the elector will need to collect it in person from the ERO's office (or other delivery or collection arrangements as agreed with ERO).

Anonymous electors must apply for an Anonymous Elector's Document (AED) to vote in person and must do so each year if and when they renew their anonymous registration.

An AED will be the only form of identification an anonymous elector can use in the polling station. This is due to an anonymous elector's name not appearing on the register, so being unable to produce any other form of identification to prove their identity.

Anonymous electors voting in person will also need to bring their poll card when voting, as is currently the case.

Anonymous electors will need to provide a photo as part of their application and their application will be subject to a NINo check.

Unlike Voter Authority Certificates, AEDs will not be useable in different polling stations. Where an anonymous elector is registered in more than one location (e.g., a student) and wishes to vote in person at each location, they will need to apply for multiple AEDs. This is due to the elector number displayed on the AED being unique to each ERO the anonymous elector has registered to vote with.

Where an elector's photographic identification (including previously issued Voter Authority Certificates) has been lost, stolen, destroyed or damaged beyond use after the application deadline, EROs will be able to allow the appointment of an emergency proxy up until 5pm on polling day. This is also the case where an elector has applied for a form of photographic ID within the last three months but has not received it. Attestations at polling stations will not be possible.

## 5. PHOTOGRAPHIC ID RESEARCH<sup>4</sup>

There are two sources for estimates of the proportion of the 18+ population who do not have any of the accepted ID types. All the data comes from public opinion surveys – one carried out for the Electoral Commission and one for Cabinet Office. The two surveys were carried out differently – the Commission's was online, the Cabinet Office by telephone interviewing. They also asked slightly different questions although both used the same list of accepted ID as now appears in the Elections Act. The findings were similar but not identical.

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<sup>4</sup> [Photographic ID Research - Headline Findings \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

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Electoral Commission research found that 3% of people said they did not have any of the ID types, with another 1% who felt they may not be recognisable and a further 2% who said they did not know. (There was no don't know option on the Cabinet Office survey because of the way the question was asked) So potentially 6% of people would not have ID they could reliably use to vote.

This proportion was higher among more disadvantaged groups including the unemployed (11%); those renting from a local authority or housing association (12-13%); and people with a disability (8%).

Survey findings are not precise estimates – they are subject to margins of error and are based on claimed recall from respondents. So while these findings could be interpreted in different ways, the headline message is very similar: a relative small proportion of people will not have ID to vote. The proportion is most likely to be 2-6% on average across Great Britain. This does of course mean that within individual local authorities the proportion of that population could be higher or lower depending on the demographics of the area.

In context, for Plymouth, with 195,000 electors:

4% = 7,800

6% = 11,700

## 6. VOTING IN POLLING STATIONS

In **polling stations**, Poll Clerks will ask for an elector's photo identification before asking the voter identification statutory questions. Where satisfied, a ballot paper will be issued. If a Poll Clerk is not satisfied, the Presiding Officer will check the photo identification and ask the statutory questions before making a final determination to issue a ballot paper.

Polling stations will be required to have private area to allow electors to choose to have their identification viewed in private. This can be achieved through privacy screens or, depending on the size or nature of the polling station, using a separate room.

The regulations will not specify any requirement for the gender of polling station staff. Electors may wish to request a specific gender to check their identification, which should be met if possible. Returning Officers may want to consider their staffing arrangements for polling stations, but it will not be a mandatory requirement.

Polling station staff will have **two additional forms to complete**. The **Ballot Paper Refusal List (BPRL)** will be an ongoing requirement for staff and will record 'category B' refusals. This –is where an accepted form of identification is provided, but:

- The Presiding Officer is not satisfied the identification bears a good likeness to the elector;
- The Presiding Officer believes the document is a forgery; or
- The elector fails to satisfactorily answer the statutory questions

The **Voter Identification Evaluation Form (VIDEF)** will be completed for the first set of scheduled local elections in each local authority and first two UK Parliamentary General elections. In addition to recording the same data as the BPRL (but anonymised) it will also record:

- Category A refusals: which are electors who did not bring any identification, or brought a form of identification that is not accepted;
- Use of Voter Authority Certificates; and
- Requests to present identification in private

VIDEF data will be compiled and shared with UK Government to help evaluate how the process is working.

## 7. COMMUNICATIONS AND ENGAGEMENT

The Electoral Commission will run a national public communications campaign to raise awareness of the requirement to show identification and remind the public to bring identification with them when they vote. They will also support those without eligible identification to understand how and when they can apply for a Voter Authority Certificate.

The poll card will also list the acceptable forms of photo ID. To accommodate this the poll card will now be A4 and sent in an envelope to each elector.

Plymouth City Council will also run a comprehensive communications and engagement strategy to amplify the planned national public communications campaign from the Electoral Commission.

## 8. FUNDING

The introduction of the Electoral Integrity Programme will place a burden on all local authorities in various ways, including, for example, the time administrative staff will need to process applications for Voter Authority Certificates, additional equipment that may be required for some offices or polling stations, or additional poll clerks that may need to be hired for polling day. DLUHC are therefore responsible for providing local authorities with funding for this additional burden.

A New Burden is defined as a policy or initiative which increases the cost of providing local authority services. In 2010, the Cabinet agreed that all New Burdens on local authorities must be properly assessed and fully funded by the relevant department.

Extensive analysis has been undertaken to date. The Economic and Equalities Impact Assessments<sup>5</sup> were published alongside the introduction of the Elections Act to Parliament in July 2021. These outlined key economic and social impacts that would arise as a result of EIP policies. However, the analysis was indicative, and there were evidence gaps as policies were still under development.

From Autumn 2021, the evidence base has been improved by conducting surveys with the sector and through engagement with the Expert Panel.

Modelling assumptions have been tested with the Expert Panel, but the allocation model and mechanisms now need to be tested with everyone to ensure they meet the needs of the wider sector. The aim of this session was to outline the approach to funding the EIP and share the underlying modelling methodology to date.

Engagement with local authorities has been critical in ensuring models are as accurate as possible. Since the start of 2022, individual cost lines for all models have been tested with the Expert Panel. Changes have been made to the analytical approach and underlying assumptions based on feedback

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<sup>5</sup> [1304 \(parliament.uk\)](#)

<sup>6</sup> [Elections Bill equality ass \(parliament.uk\)](#)

where necessary. An ERO survey with 205 respondents has also been critical in building the evidence base.

There will be three funding mechanisms:

- **Grants** – allocated to LAs and VJBs based on a funding allocation model in the form of a single yearly payment
- **Justification Led Bids (JLBs)** – funds released to LAs and VJBs retrospectively based on a Justification Led Bid (evidence of spend)
- **Hybrid** – proportion of the allocation will initially be distributed early in the year by grant. Later in the year, a bidding process will allow LAs and VJBs to claim the value of additional funds required, along with evidence of spend.

Regarding accessibility, each LA and VJB will be provided with New Burdens Funding for accessibility equipment, staff time and training. The following table summarises the methodology, allocation method and payment date for the funding:

Cost Line	Methodology	Allocation Method	Payment Date
Equipment	Each LA and VJB will be provided with funding to provide reasonable equipment to support disabled people to vote in polling stations. This will be allocated based on the number of polling stations in the LA area. The funding is based on the purchase of a range of equipment such as <b>accessible audio equipment, assistive writing devices such as pencil grips and additional seating</b> , though the purchase of equipment is at the discretion of the RO who must adhere to EC guidance	Hybrid	Nov 2022 and Nov 2023
Staff time	We have costed for <b>10 minutes additional set up time</b> for accessibility related equipment	JLB	Nov 2023
Training (poll staff)	Training is costed at <b>10 minutes of additional training</b>	Grant	April 2023 April 2024
Training (electoral services team)	Legislative training is costed as <b>one additional day of training</b> across tranche 1 policies based on discussions with the AEA	Grant	Nov 2022

For voter identification each LA and VJB will be provided with New Burdens funding for electoral staff administrative time, staff costs, equipment costs, poll card costs, storage costs, training costs, by-election costs and contact centres. The following table summarises the methodology, allocation method and payment date for the funding:

Cost Line	Methodology	Allocation Method	Payment Date
Electoral staff admin time	Certificates will be produced centrally, however LAs and VJBs will be funded for the time it takes them to process Voter Authority Certificate applications. On average, we assume it will take <b>six minutes for an online application and eight minutes for a paper application</b> (based on our experience from IER modelling)	Hybrid	Grant – Nov 2022, April 2023 and April 2024 JLB – Nov 2023 and Nov 2024
Staff costs	<b>One additional Poll Clerk per polling station</b> has been costed for year 1 (2023/24) and year 2 (2024/25) and in every GE year of the policy. This this is based on the day rate provided by Expert Panel feedback and engagement with the AEA. Costs were based on 2017 data which was inflated to current prices	Grant	April 2023 April 2024
Equipment costs	Each LA and VJB will be able to purchase <b>one camera and one printer-scanner</b> for temporary Voter Authority Certificates if required, and the cost of these are based on desk-based research. We also cost for <b>one privacy screen and mirror per polling station</b>	JLB	Nov 2023
Poll card costs	The <b>difference between the current poll card and the new one (A4 and enveloped)</b> and differences in delivery fee will be funded too	Grant	April 2023 April 2024
Storage costs	We assume 2/3 of LAs and VJBs will need <b>additional storage space</b> to store the additional equipment (such as privacy screens and mirrors), and we've assumed the required space needed to be 75 square feet	JLB	Nov 2023 Nov 2024
Training costs	Polling stations staff training – This works out approximately <b>30 minutes of additional training</b> Electoral administrators – legislative training is costed as	Grant	Nov 2022 April 2023 April 2024



Cost Line	Methodology	Allocation Method	Payment Date
	rolled into <b>one additional day of training</b> across tranche 1 polices		
By-election costs	We have been engaging with the AEA to gather data on the number of <b>by-elections per year (~600)</b> , and we multiply the number of by-elections by the <b>average electorate size (5,000)</b> . From there, we multiply it by the <b>average cost per elector</b> for the policy to estimate the total amount	JLB	Nov 2023 Nov 2024
Contact centres	Assume all LAs will have <b>one temporary contact staff member</b> for the first two years of implementation (2023 and 2024) for <b>two months before elections</b> (when LAs and VJBs expect to receive the most queries)	JLB	Nov 2023 Nov 2024

The funding will be provided through the following mechanisms:

- **England and Wales** – Payments will be made to Local Authorities via Section 31 Grants
- **Northern Ireland** – Funds to the Electoral Office of Northern Ireland will be paid through the Northern Ireland Office
- **Scotland** – Payments will be made to the relevant bodies via the UK Internal Market Act Section 50

The timelines for funding are as follows:

November 2022	<p><b>Accessibility (Grant)</b></p> <ul style="list-style-type: none"> <li>• General equipment</li> <li>• Training (electoral services teams)</li> </ul> <p><b>Voter identification (Grant)</b></p> <ul style="list-style-type: none"> <li>• Electoral staff costs</li> <li>• Training (electoral services team)</li> </ul>
April 2023	<p><b>Accessibility (Grant)</b></p> <ul style="list-style-type: none"> <li>• Training (poll staff)</li> </ul> <p><b>Voter identification (Grant)</b></p> <ul style="list-style-type: none"> <li>• Electoral staff costs</li> <li>• Polling station staff costs</li> <li>• Training (poll station staff)</li> <li>• Poll cards</li> </ul>
November 2023	<p><b>Accessibility (JLB)</b></p> <ul style="list-style-type: none"> <li>• Equipment costs</li> </ul>

	<ul style="list-style-type: none"> <li>• Staff time costs</li> </ul> <p><b>Voter identification (JLB)</b></p> <ul style="list-style-type: none"> <li>• Equipment costs (privacy screens, mirrors, cameras etc)</li> <li>• Electoral staff costs</li> <li>• Equipment storage costs</li> </ul>
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The Electoral Integrity Programme new burdens funding – grant determination for 2022/2023 and 2023/2024 was published on 28 November 2022 (Appendix D).

## 9. NEXT STEPS and ACTION PLAN

It will be critical for the ERO and RO to identify funding and resource implications. 2023 is an election year, and the administration the local elections will be used to further develop recruitment strategy and plan for polling station staff, as well as a comprehensive training strategy for the 2024 combined Police & Crime Commissioner, local City elections and potential UKPGE.

The assumptions in the Funding Impact Assessment used by the Cabinet Office (now DLUHC) need to be rigorously analysed, and realistic fees and charges used when calculating the costs of running elections in Plymouth City with the provisions of the Elections Act in place.