

Information Briefing

Report from:

Robert Connelly
Returning Officer

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Update on Elections Bill and 2023 Parliamentary Constituency Boundary Review.

1. Purpose of the report

- 1.1 The purpose of this report is to provide members with an update on the Elections Bill, which includes the introduction of voter ID cards, and the 2023 Parliamentary Constituency Review.
- 1.2 The Elections Bill (the Bill) contains various other proposals (and not just voter ID) which will impact on how all elections are conducted in the UK including Birmingham. The Bill has gone through the first stage in the Commons and is expected to have Royal Assent by May 2022.
- 1.3 It is therefore important to note that the Bill will have no impact on how we conduct the May 2022 elections.

2. The Elections Bill

- 2.1 The Bill's scope is far more wide ranging than just about voter ID and covers the following main areas:

- i. Require voters to show photo ID at polling stations before a ballot paper is issued.
- ii. Require Electoral Registration Officers (ERO) based in local authorities to issue free voter identification documents to those without a valid form of photo ID.
- iii. Require postal voters to reapply for a postal vote every three years, replacing current rules whereby a postal voter must refresh their signature every five years. In addition, it will seek to restrict the handling of postal votes by campaigners, and limit the number of postal votes an individual can hand in at a polling station (currently suggested that this could be limited to two).
- iv. Further limit the number of people someone may act as proxy for (again the suggestion is this be around two but not yet confirmed).
- v. Allow all British citizens living overseas to vote in UK Parliamentary elections, regardless of when they left the UK.
- vi. Change the voting and candidacy arrangements for EU voters.
- vii. Extend accessibility to elections including requiring Returning Officers to take all reasonable steps to provide support for those with a disability in polling stations.
- viii. Simplify and clarify the offence of undue influence as well as introducing a new offence around intimidation of candidates, campaigners and elected office holders from intimidation and abuse.
- ix. The introduction of a new digital imprints' regime requiring campaigners to explicitly show who they are and on behalf of whom they are promoting (in a similar way to printed material).

It will also cover other areas such as improving the accountability of the Electoral Commission and setting up a new framework around expenditure and party-political financing but I am not proposing to cover these as part of this report.

2.2 For ease I will deal with each in turn.

(i) **Voter Identification**

2.3 Voters will be required to show an approved form of photographic identification before collecting their ballot paper to vote at a polling station for UK parliamentary elections

- in Great Britain, at local elections in England, and at Police and Crime Commissioner elections in England and Wales.
- 2.4 This is likely to be extended to all other polls such as Parish and Neighbourhood Planning Referendums once the secondary legislation is published.
 - 2.5 As set out in my briefing of November 2020 a broad range of documents will potentially be accepted including passports, driving licences, various concessionary travel passes and photocard parking permits issued as part of the Blue Badge scheme.
 - 2.6 Prior to its introduction (likely to be in May 2023) it is planned that there will be comprehensive, targeted communications and guidance by the Electoral Commission. However the issue remains for those authorities, such as Birmingham, that have no scheduled polls until 2024.
 - 2.7 As mentioned previously a major concern is that the first time electors will be asked to produce photographic ID in Birmingham will be at the scheduled Parliamentary General Election in 2024.
 - 2.8 In my view any awareness campaign is likely to have to continue for a number of polls until such a time that voter ID becomes “business as usual” as is the case in Northern Ireland where voters have been required to produce personal identification before voting in polling stations since 1985, with photographic identification being required since 2003.

(ii) Local Voter ID cards

- 2.9 Where an elector does not have any form of photo identification, an elector can apply for one, free of charge, from their local authority via the ERO.
- 2.10 Current research is suggesting that around 2% of people may require identification issued by the ERO and in Birmingham that translate to around 15,000 electors. However that is likely to be an average so for an area like Birmingham, the true figure could be higher.
- 2.11 The deadline for applying for a free, local voter card will be set out in the subsequent secondary legislation but the current proposal is 5pm on the day before polling day.
- 2.12 However, for an area like Birmingham that could have significant implications depending on demand. Whatever the deadline will be the Government must ensure that it is practicable for electoral administrators.
- 2.13 The current thinking is that voter ID will be in place for the May 2023 polls. If that is the case then the ability to apply for a voter ID card from local authorities will need to be in place by the Autumn of 2022, to allow electors to apply for voter ID cards well in advance.
- 2.14 There is potential for there to be a digital solution so electors can apply for a card online in the same way that someone can register online. This is currently being explored but it is still at an embryonic stage. Regardless of any possible digital

solutions numerous issues remain especially as you get nearer to polling day and how applications for voter ID cards will be processed. I suspect that this will ultimately be a burden that will pass to local authorities and Returning Officers and is likely to be very resource intensive.

- 2.15 An additional implication is around what measures will be taken to ensure those who cover their faces for religious or other sensitive reasons will not be deterred from voting due to the introduction of voter identification. We will need to ensure that there is a facility in all polling stations that allows electors ID verified in private, which at present not all do. As part of that we will also need to consider how polling stations are staffed.

(iii) Postal Voting

- 2.16 There are 3 three main areas where the current arrangements will change:

- Postal voters will be required to re-apply every 3 years.
- To negate 'postal vote harvesting' political campaigners will be barred from handling postal votes.
- Introduces a limit on the number of electors on behalf of whom a person may hand in postal votes at a polling station.

- 2.17 By reducing the period that electors will have to reapply for a postal vote, the Government is seeking to ensure that person's eligibility to vote by post will normally be reviewed and confirmed once every Parliament. In effect a permanent postal vote will cease to exist.

- 2.18 In addition it is seeking to reduce the inefficiency and wasted cost of postal votes being sent to out of date addresses, where it is said they are vulnerable to interception and fraud.

- 2.19 The current proposal is that in addition to their own postal vote, an individual will be able to hand in the postal votes of up to two domestic electors. The thinking behind this is under the current regime by permitting a high number of postal votes to be handed in, this could facilitate electoral fraud and undermine the integrity of election.

- 2.20 The Government is still seeking views on the appropriate number, and this will be finally determined in secondary legislation but in my view limiting the number to 2 is too low and could penalise the "honest" elector.

(iv) Proxy voting

- 2.21 Currently, someone can act as a proxy for up to two electors and an unlimited number of close relatives. The Bill proposes that, irrespective of any close relationship, you can only act as a proxy for 2 domestic electors and 2 overseas electors.

- 2.22 Anyone acting as a proxy for more than electors will be guilty of an offence, which I presume will be criminal in nature.

(v) Overseas electors

- 2.23 The measures will scrap the 15 year rule and enable all British citizens overseas who were previously registered or resident in the UK to participate in UK Parliamentary elections.
- 2.23 The registration period for overseas electors will be extended from one year to up to three years (currently an overseas elector needs to reapply every year) and electors will be able to reapply or refresh their absent vote arrangements (as appropriate) at the same time as renewing their registration.
- 2.24 However the Bill does not address the current issue around overseas electors where the limited timetable allows very little time for ballot papers to be sent overseas and then completed and returned by the close of poll. As it currently stands there is an unrealistic expectation to what we can achieve which often leads to complaints.

(vi) Voting and candidacy rights of European citizens

- 2.25 During the UK's membership of the European Union, it was a requirement of membership that EU Citizens living in the UK could both stand and vote in local elections across the UK. These rights were reciprocated to UK citizens living in all EU Member States.
- 2.25 The Governments approach, now that the UK has left the European Union, and Freedom of Movement has ended, is that EU citizens' voting and candidacy rights in local elections need to be updated to reflect this. As such the automatic grant of voting and candidacy rights to European citizens is no longer applicable.
- 2.26 This change is unlikely to come into effect until 2023 and therefore will **not** impact on our Council elections in May 2022
- 2.26 This measure will amend the local voting and candidacy rights of EU citizens in local elections, as well as the Police and Crime Commissioner and Combined Authority polls.
- 2.27 Once these measures are implemented, in addition to satisfying the usual eligibility requirements which apply to all electors (e.g. age, residence etc.), the following two categories of EU citizens will be able to participate:
- Citizens of an EU member state with which the UK has a voting rights agreement (currently Spain, Portugal, Luxembourg, Poland), or;

- EU citizens who were resident in the UK at the end of the Implementation Period completion date (31 December 2020) and have retained lawful immigration status.
- 2.28 When the new franchise comes into force, EROs will be required – in line with their existing statutory duties – to remove from the register those EU citizens who are not eligible to be registered to vote.

(vii) Accessibility

- 2.29 The Bill seeks to improve the electoral process for people with disabilities, placing a new requirement on Returning Officers to consider a wider range of support for voters with disabilities in polling stations. This will be supported through the Electoral Commission's guidance produced in partnership with the Government's expert Accessibility of Elections Working Group.
- 2.30 The Bill also removes current restrictions on who can act as a 'companion' to support voters with disabilities to cast their vote in the polling station and will allow the elector greater choice. Currently an electors companion must be a close relative or a qualified elector.
- 2.31 The current legislation requires Returning Officers to provide very specific equipment solely to support voters with sight loss, which excludes disabled voters with other conditions. In future Returning Officers will be required to provide each polling station with equipment as is reasonable to enable, or make it easier for, voters with sight loss to vote, as well as people with other disabilities.

(Viii) Simplify and clarify the offence of undue influence as well as introducing a new offence around intimidation of candidates, campaigners and elected office holders from intimidation and abuse.

- 2.32 At the time of writing this report I have not seen any details as to exactly what this will look like although this topic has tragically come back to the forefront following recent events. As soon as more information becomes available I will let the Committee know.

(ix) The introduction of a new digital imprints

- 2.33 Under these proposals campaigners will need to explicitly show who they are and on behalf of whom they are promoting on any material published online in a similar way

to the current requirement regarding printed material. Failure to do so is likely to be a criminal offence as it is under the current regime.

3. 2023 Review of Parliamentary constituencies

- 3.1 The Boundary Commission for England (BCE) is currently undertaking an independent review of the Parliamentary constituency boundaries in England.
- 3.2 The review is being conducted on the rules most recently updated by Parliament in 2020 which retains 650 constituencies for the UK Parliament as a whole, and require constituencies to comply with strict parameters, such as the number of electors in each constituency.
- 3.3 As such all constituencies across the UK – apart from five specified exceptions (two in England) – must have an electorate between 69,724 and 77,062.

The timetable

- 3.4 The review commenced in **January 2021** and was based on the electorate as at March 2020.
- 3.5 The BCE published its initial proposals **on 8 June 2021** and ran a consultation period until **2nd August 2021**.
- 3.6 The BCE is currently considering the responses to their initial consultation and will commence a further 6 week “secondary consultation” period in early 2022.
- 3.7 The BCE will then analyse those representations and decide whether further changes should be made to the initial proposals. If they decide to change their initial proposals, then these will be published and consulted on for a further period of four weeks. This is likely to be towards the end of 2022.
- 3.8 Thereafter the BCE will publish its final recommendations and the legislation provides that these must be submitted to the Speaker of the House of Commons by **1 July 2023**.
- 3.9 When approved (within at least 4 months of the final recommendations being laid by the Speaker) the new constituencies take effect at the next General Election (which is scheduled for 2024).

Current Proposals

- 3.10 Currently Birmingham has 10 parliamentary constituencies which are all self-contained within the City boundary. However unlike the arrangements pre-2018, the constituencies were no longer co-terminus with our ward boundaries. There are, for example, a number of wards that are spilt across 2 or 3 constituencies.

3.11 . Details of the current proposals can be found at:

<https://boundarycommissionforengland.independent.gov.uk/2023-review/west-midlands/>

3.12 However by way of summary I have set out some of the key proposals/changes:

- Overall Birmingham will see its representation fall from 10 to around 9.9 constituencies with the constituency of Hodge Hill containing 2 wards from Solihull.
- The Sparkbrook & Balsall Heath East, and Balsall Heath West wards will be in separate constituencies, although the BCE recognise this may not best reflect local ties.
- Weoley & Selly Oak will be divided into the constituencies of Northfield and Selly Oak
- Parts of Brandwood and Kings Heath will remain spilt between the constituencies of Hall Green and Selly Oak

3.13 Appendix A sets out the initial proposals for each constituency including wards and electorates.

4. Other Electoral Updates

Police & Crime Commissioner (PCC) & Combined Authority polls – Change of voting system

4.1 The Government is proposing to bring an amendment to the Elections Bill by changing the voting system for both the PCC and mayoral elections. Both will revert to first past the post from the current supplemental voting (SV) system.

Fixed term Parliament Act

4.2 The Government is also proposing to abolish the Fixed Term Parliament Act which means that the Prime Minister will no longer need to seek the approval of Parliament before calling a General Election.

4.3 There was also a suggestion, as a possible amendment that the timetable for parliament elections be reduced from 25 working days to 17 working days. In my view such a reduction would be fraught with risks and could potentially see electors being disenfranchised and would be inconsistent with the changes to overseas electors proposed by the Elections Bill.

Applications for Postal Voting Online

- 4.4 There is also a possibility that changes will be made to allow for electors to apply online for a postal vote in the same way that electors can register online although at this stage I have not seen any detailed proposals.

5 Risk and Implications

- 5.1 There are still numerous “unknowns” and as such the biggest concern at this stage is what I refer to as the “cumulative effect”. With all these measures coming in or about the same time the issue will be how we address the additional responsibilities and demands we are putting on staff both in the polling stations and in core election offices especially at a General Election where already the system is almost at breaking point..
- 5.2 We will need to review how we train polling station staff and how they will deal with voter ID to ensure that the changes are dealt with in a consistent way. It is also possible that many staff will see this as another responsibility which makes the job of Presiding Officer/Poll Clerk unattractive. As it is we consistently struggle to recruit polling station staff.
- 5.3 We will also need to look at the structures of core election teams as the burden at the most critical part of the election will have been increased significantly with the changes proposed by the Bill. As a consequence I suspect that for election periods, staffing in core election offices will need to be increased significantly. That does raise the question of finding suitable staff with the necessary experience and knowledge.
- 5.4 The Government has acknowledged that where the changes in the Bill will result in a new burden on local authorities, these costs will be initially covered in line with new burdens principles. However at this stage we do not know what that funding will look like.

Contact Officer:

Telephone:

E-Mail:

Robert Connelly – Returning Officer

0121 303 2443

Robert_connelly@birmingham.gov.uk

APPENDIX A

Birmingham Erdington – 75,925

75,925

Aston	13,901
Castle Vale	6,718
Erdington	13,582
Gravelly Hill	6,195
Lozells	7,168
Perry Common	7,469
Pype Hayes	7,315
Stockland Green	13,577

Birmingham Hall Green - 75,781

Part of Brandwood & King's Heath (polling districts BKH1HG, BKH2HG, and BKH3)	8,044
Hall Green North	15,269
Hall Green South	7,909
Moseley	15,918
Sparkbrook & Balsall Heath East	15,539
Sparkhill	13,102

Birmingham Hodge Hill - 76,922

Bromford & Hodge Hill		13,880
Garretts Green		6,988
Glebe Farm & Tile Cross		14,877
Heartlands		7,196
Shard End		8,284
Ward End		7,831
Castle Bromwich	Solihull	9,305
Smith's Wood	Solihull	8,561

Birmingham Ladywood - 76,585

Alum Rock	15,553
Balsall Heath West	7,263
Bordesley & Highgate	6,891
Bordesley Green	6,823
Ladywood	12,721
Nechells	6,900
Newtown	6,831
Soho & Jewellery Quarter	13,603

Birmingham Northfield - 73,483

Allens Cross	7,373
Frankley Great Park	8,155
King's Norton North	7,716
King's Norton South	7,709
Longbridge & West Heath	15,349
Northfield	8,069
Rubery & Rednal	7,221
Part of Weoley & Selly Oak (polling districts WSO1ED, WSO4, WSO6, WSO7, WSO8, WSO9, and WSO10)	11,891

Birmingham Perry Barr - 74,979

Birchfield	6,934
Handsworth	6,805
Handsworth Wood	13,311
Holyhead	6,159
Kingstanding	13,610
Oscott	14,341
Perry Barr	13,819

Birmingham Selly Oak BC 76,285

Billesley	14,030
Bournbrook & Selly Park	15,748
Bournville & Cotteridge	14,042
Part of Brandwood & King's Heath (polling districts BKH4, BKH5, and BKH6)	6,149
Druids Heath & Monyhull	7,788
Highter's Heath	7,794
Stirchley	7,145
Part of Weoley & Selly Oak (polling districts WSO2SO, WSO3SO, and WSO5SO)	3,589

Birmingham Yardley - 71,912

Acocks Green	15,586
Sheldon	14,211
Small Heath	12,760
South Yardley	6,969
Tyseley & Hay Mills	7,042
Yardley East	7,910
Yardley West & Stechford	7,434

Sutton Coldfield – 74,584

Sutton Four Oaks	7,642
Sutton Mere Green	8,049
Sutton Reddicap	7,355
Sutton Roughley	8,509
Sutton Trinity	7,554
Sutton Vesey	15,381
Sutton Walmley & Minworth	12,807
Sutton Wylde Green	7,287