

Birmingham City Council

Co-ordinating Overview and Scrutiny Committee

Date 15th December 2023



Subject: To Consider the Impact of the Elections Act 2022
Report of: Robert Connelly – Returning Officer
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1 Purpose

- 1.1 To consider the impact of the Elections Act 2022 (the Act) including the need for electors to provide proof of identity when voting at polling stations.
- 1.2 To consider other relevant provisions and the impact these will have on how elections are administered.

2 Recommendations

- 2.1 To note the report.
- 2.2 To make any recommendations to the Returning Officer for consideration in respect of future polls in Birmingham

3 Background

Photo Identification (ID)

- 3.1 Voter ID came into effect in May 2022, with a large proportion of local authorities running local elections in May 2023. However, the full impact cannot yet be assessed as Wales and Scotland, the whole of the Greater London area and of course Birmingham (amongst other local authorities) did not have elections.
- 3.2 Birmingham was able to trial voter ID on a small scale following a Neighbourhood Planning Referendum in July 2023. However due to the size of the electorate this was not a very representative test of what the overall impact of voter ID might be but it was nevertheless a helpful exercise.

3.3 However we have been able to look at feedback from other areas from May 2023, and found that our experience, albeit limited, was reflective of what was seen national. As such there are a number of particular areas to consider, which are set out below.

3.4 *Public awareness.*

- i. Most people who turned up to vote were aware of the new Voter ID requirements. A small number of people who turned up without ID were not able to vote, but nevertheless data shows that the majority returned with appropriate ID and were able to cast their vote.
- ii. Poll cards now contain a list of valid ID, and as the policy was new, there was also considerable publicity and public awareness campaigns around its introduction.
- iii. At the Planning Referendum, in addition to the polling card, all electors were written to in order to remind them of the ID requirements.
- iv. It is unlikely that we can do the same before May's election due to the potential costs but it is hoped that there will again be both national and regional campaigns reminding people of the changes.
- v. In addition, prior to May 2024 and the Parliamentary General Election we may wish to consider more localised campaigns but this will also need to be done in conjunction with the political parties. We are hoping to finalise what this could look like in the New Year.

3.5 Commonly used ID - the most commonly used forms of ID were passports, driving licences and bus passes. This was reflected in what we saw in the referendum. Care does need to be given over the types of travel passes accepted, as not all are valid.

3.6 *Voter Authority Certificates*

- i. The take up of Voter Authority Certificates (VACs) was lower than expected nationally, and whilst Birmingham had no elections a number of applications were nevertheless received where VACs were issued.
- ii. People can apply for VACs via paper or online. The vast majority of applications came online. An in person service was also offered, but no-one used it.
- iii. It is not clear from the data if the low uptake of VACs means that people were prevented from voting who otherwise would have been able to, or whether the need for VACs is higher amongst those groups who do not generally tend to vote.
- iv. The real test will be at the Parliamentary Election, when significantly higher numbers of people vote than at any other election (usually double when compared to local elections).

3.7 *Impact on polling stations*

- i. Different local authorities had different solutions for dealing with the potential for requests for private areas to view ID (including the possibility for the removal of religious face coverings).
- ii. Before deciding on what approach Birmingham should take, it was decided to wait and see what the impact was on other areas (and to see which measures worked and which didn't), before committing to any purchase/long term hire of equipment for all 478 polling stations.
- iii. As anticipated, the use of such equipment was very localised, with the majority not being requested/utilised at all. As a result we will continue with our original plans of utilising areas within polling stations if a private area is requested.
- iv. That said, we still intend to purchase a handful of screens which can be delivered out to polling stations if there is considerable demand or there is nowhere suitable within the venue (all polling stations have been visited, so these should have been identified in advance of polling day).

3.8 The Electoral Commission has also published its report on the May 2023 local elections in England [Voter ID at the May 2023 local elections in England: interim analysis | Electoral Commission](#) and its research highlighted the following:

- i. Immediately before polling day, 87% of people in England (excluding areas without elections) were aware that they needed to show photo ID to vote at a polling station. In the research carried out immediately following the poll, this was 92% of people in areas with elections.
- ii. Awareness was higher among older age groups with 98% of over-65s aware in May 2023 compared to 82% of 18 to 24-year-olds. There was also a difference between white respondents (93%) and those from Black and minority ethnic communities (82%).
- iii. Overall awareness of the requirement was significantly lower among people who said they did not have an accepted form of ID (74%) compared with those who did have ID (94%). It was also found that those people who said they always or sometimes vote at local elections had higher levels of awareness (94%) compared with those who do not tend to vote (84%).
- iv. 4% of the population in Great Britain either did not have any photo ID (3%) or did not have ID where they thought the photo would be recognisable (1%)

- v. Based on these figures and expected levels of polling station turnout at local elections, it was estimated that between 250,000 and 350,000 applications for a Voter Authority Certificate might be expected.
- vi. The overall number of certificates applied for before the deadline on 25 April (around 89,500) was low compared with these estimates of the number of people who might not have any other accepted ID.
- vii. In May 2023, awareness of the VAC was relatively low among the overall population and those who said they did not already have photo ID (both at 57%). This means that just under half of people who did not have any other accepted ID did not know that they could have applied for a form of ID to enable them to vote on polling day.
- viii. Public opinion research found that 84% of those that applied for a Voter Authority Certificate said the application process was easy.
- ix. Nationally approximately 25,000 Voter Authority Certificates were used as a form of ID on 4 May but it is not yet clear why a significant number of people applied for a certificate (89,500) but did not use it on polling day.

3.9 It is estimated that around 4% of all non-voters said they didn't vote because of the voter ID requirement.

3.10 In respect of voter ID, the Electoral Commission made several recommendations, including:

- a) Review the list of accepted ID.
- b) Improve access to the VAC.
- c) Provide options for voters who do not have or cannot access any form of accepted ID.
- d) The electoral community should work to improve the collection of data at polling stations for future elections.

Other Provisions

3.11 However, it is important to note that voter ID is not the only provision which has been introduced by the Act. Other provisions have been introduced, all of which will impact on the administration of elections and electoral registration (and add to the cumulative effect of increase in work and demands at election time).

Online Absent Votes

- 3.12 There is now a requirement for all absent voters (i.e. postal and proxy) to have their identity verified by providing their national insurance number which will be verified against the DWP records (in the same way as when someone registers to vote).
- 3.13 It is now possible to apply for a postal or proxy vote online although there is a requirement to upload an image of your signature. This has only been live since 31 October but it is already clear that paper forms are proving difficult to upload and process (taking up to 15 minutes to process as opposed to online forms which are less than 5 minutes per application).
- 3.14 We will therefore stop sending out or providing paper forms unless an elector specifically requests one where they have issues with being able to go online to make an application.
- 3.15 The aim of the government is to channel shift people to go online but where political parties use paper forms, they must now ensure these are legally compliant. Any old forms received will be rejected.
- 3.16 There is concern about potential volumes of online applications, as approximately only 11% of Birmingham's electorate are registered postal voters (approx. 80,000) and the issue is whether the elections office could process a high increase in volumes especially at a parliamentary election, especially when you consider processing times.

Proxy vote limits

- 3.17 It is now an offence to appoint as proxy or be appointed as proxy for more than 4 people, regardless of your relationship to them. However, only 2 of these electors can be domestic electors (i.e. not overseas or service voters).
- 3.18 For example, it is possible to be proxy for:
 - 4 overseas electors,
 - 2 domestic and 2 overseas electors,
 - or 3 overseas and 1 domestic.

However it would be an offence to be appointed as proxy for 3 domestic and 1 overseas elector.

Overseas electors

- 3.19 The criteria to be an overseas elector will be broadened so a British citizen living overseas can apply to be an overseas elector (and vote in Parliamentary Elections only) at any time, with the current 15-year time limit having been removed.
- 3.20 The registration will be based on the last address they were registered at, and if they were never register, at the last address they were resident at (proof will need to be provided to ensure they are being linked to the correct constituency).

Postal vote handling

- 3.21 The legislation around this is still to be confirmed but this is what we know so far:
 - There is now a limit on the number of postal votes which a person can hand in at a polling station or at the election's office; no more than 6 (5 plus your own). Anyone handing in any number of postal votes will need to complete a form and without this form, the postal votes will be rejected.
 - There will be a ban on campaigners (including political party workers, elected representatives, candidates and their agents) handling postal votes which are not their own (or immediate family's). It will be a criminal offence to handle them, and these postal votes will be rejected.
 - Further details of the procedure in the polling station and at the offices, and the forms required to be completed will be developed in due course.

Preventing undue influence

- 3.22 Since November 2023, changes have been made that simplify and clarify the offence of undue influence. Undue influence is when someone use, or threatens to use force or violence to make someone vote a certain way or not vote at all. This should make it simpler for the police to take action when allegations of undue influence are made.
- 3.23 This includes the offences of both direct and indirect undue influence, and those taking place both before and after an election and apply to all campaign activity, including printed materials, and extend to anyone who seeks to intimidate a voter either inside or outside a polling station.

Changes for EU citizens

- 3.24 EU citizens where the UK Government has negotiated agreements with EU Members States to allow its citizens living in the UK to vote, in return for the same right for UK citizens living in that country, will still be able to vote and stand in elections.
- 3.25 So far these agreements have been made with:
- Spain
 - Poland
 - Portugal
 - Luxembourg
- 3.26 Other EU citizens who were living in the UK before the end of the EU Withdrawal Agreement Implementation Period (up until 1 January 2021) will also still be able to vote and stand in elections.
- 3.27 The changes will not affect citizens of the Republic of Ireland or citizens of Commonwealth nations.

Digital Imprints

- 3.28 A new digital imprint regime will be introduced requiring those promoting certain digital campaigning material to state who they are and anyone on behalf of whom they are promoting material.
- 3.29 Breaching the digital imprint rules will be a criminal offence and the Electoral Commission and police have shared responsibility for the enforcement of the regime.

4 Any Finance Implications

- 4.1 There are no direct financial implications arising from this report although the Government will be providing additional funding to assist with the implementation of the provisions under the Elections Act.

5 Any Legal Implications

- 5.1 There are no direct legal implications arising from the report.

6 Any Equalities Implications

- 6.1 There are no equality implications arising from this report .

7 Appendices

- 7.1 None

8 **Background Papers**

1. Electoral Commission Report on the May 2023 local elections in England
[Report on the May 2023 local elections in England | Electoral Commission](#)
2. Electoral Commission Over ID at the May 2023 local elections in England: Interim analysis
[Voter ID at the May 2023 local elections in England: interim analysis | Electoral Commission](#)