

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Policy and Oversight Board

Date: 18 September 2024

Subject: Changes to Voting Entitlements and Updates to Elections Act 2022 Implementation

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SUMMARY

This report updates the Board on the implementation of Elections Act 2022, including the imminent review of voting and candidacy entitlements for European Union citizens resident in the borough, and the results of changes to absent voting and voter ID rules at the recent elections.

RECOMMENDATIONS

1. For the Board to note and comment on the report.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Being ruthlessly financially efficient	Our publicity, staff briefings will be by electronic methods where possible, and our review of facilities in polling stations to incorporate the legislation will ensure that additional spend is incurred only where necessary for the efficient implementation of the requirements.

BACKGROUND

1. The Elections Act 2022 brought several changes into force for all elections including parliamentary by-elections, mayoral and local referendums in England.
2. The Act was implemented in two tranches – the first introduced the requirement for voters to show photo ID in polling stations, changed the voting system requirements for mayoral and PCC elections and extended accessibility for disabled voters by requiring Returning Officers to take all reasonable steps to provide support for those with a disability in polling stations.
3. The second tranche of the Elections Act also came into force for polls from May 2024. This included changes to overseas elector registration requirements, postal vote applications, handling and secrecy rules, and changes to EU Citizens voting and candidacy rights
4. The London Mayor and Assembly elections held on 2 May 2024, and the UK Parliamentary elections held on 4 July 2024 were the first elections held in the borough where these requirements were in force.

CHANGES TO VOTING AND CANDIDACY RIGHTS FOR EU NATIONALS

5. The Elections Act made changes to the rights of EU citizens to vote and to stand for elections in the UK. The Electoral Registration Officer (ERO) must review all citizens of EU countries who are currently registered to vote by January 2025.
6. Citizens from Commonwealth countries or Ireland are unaffected by this change, are not included in the review, and will not receive any correspondence about it.
7. EU citizens who have leave to remain in the UK, or who have been living in the UK since before the UK left the European Union on 31/12/2020 still have the right to register to vote and stand as candidates in local elections.
8. Additionally, citizens of countries that have a bilateral voting and candidacy rights treaty with the UK also retain the right to stand and vote in elections. Currently treaties have been made with Spain, Portugal, Luxembourg, Poland and Denmark.
9. The review will start by the end of September and falls into two parts. These are:
 - a. A “data-based” review, that will result in 11,300 electors being told that we believe they are still eligible to vote and that they need do nothing further.
 - b. A “correspondence-based” review of the remaining 6,600 electors who will need to tell the ERO that they have retained their right to vote, or they will be removed from the electoral register. We do not know how

many of the electors in the correspondence review fall into this category.

10. The data-based review will primarily use voter registration records to identify electors who have been registered since before 31/12/2020 or who are from a country with a reciprocal voting and candidacy treaty.
11. Where residents are confirmed as eligible following the data-based review, they will be sent a letter by the ERO explaining that their registration has been reviewed and that they have kept their voting rights as the ERO believes they meet eligibility criteria, and that they need not do anything further.
12. Electors that cannot be dealt with by the data-based review then move into the correspondence-based review. They will be written to asking for confirmation as to whether they meet the eligibility criteria under the new rules or not. They will also be informed that if they do not respond they will ultimately be removed from the electoral register in January 2025.
13. They can respond online via a national portal or by post or email.
14. The correspondence review includes two reminder stages including a personal visit which we hope to conduct at the same time as visits for the annual voter registration canvass.
15. EU nationals who either inform us they do not meet the criteria or who do not respond to the correspondence review will be removed from the electoral register in January 2025. They will need to re-apply to register if they want to vote or stand as a candidate.
16. Costs for the EUVCR are being funded by a grant from MHCLG who have provided £7,817 for communications.
17. In addition to statutory letters, visits and reminders, we will be sending additional emails and reminders to encourage residents to respond to the letter when it arrives. The council's website is being updated to include more general information for EU citizens about their eligibility to vote as well as specific information about the review.

CHANGES TO POSTAL AND PROXY VOTING

18. The Elections Act made changes to postal and proxy voting in the UK. These changes came into effect early in 2024 and were in place at both sets of elections this year.
19. The main changes, set out below, are around applying for a postal or proxy vote, and to the rules around who can handle or deliver postal votes to the Returning Officer.

Changes to postal and proxy vote applications

20. From 31 October 2023, all absent vote applications, except for emergency proxy applications must contain a National Insurance Number (NINo) or provide a reason why one cannot be provided.
21. The personal identifiers on the application (date of birth, name, and NINo) are initially verified against Department of Works and Pensions data, and where identity cannot be verified then electors are asked to submit documentary evidence of their ID.
22. Also from 31 October 2023, electors (except anonymous electors) have been able to apply for a postal or proxy votes online, through the Online Absent Voting Application (OAVA) portal.
23. There are some kinds of absent votes that must still be made through a paper application, such as postal vote waivers, proxy applications for indefinite periods due to disability and proxy applications due to employment and emergency proxies, mainly due to the requirement for these types of applications to be “attested” (countersigned) by a qualified person as well as the elector themselves.
24. The maximum length of time that a postal vote arrangement can be held by an elector is now three years, after which the arrangement must be reviewed by the Electoral Registration Officer.
25. Electors who had a long-term postal vote in place before 31 October were automatically allowed to vote by post in polls for the whole of 2024, and there are transitional arrangements in place for the ERO to request new applications from them.

Online Absent Voting Application (OAVA) portal

26. From 31 October 2023 electors have been able to apply for most types of absent votes online via a national government portal. **Appendix A** gives the figures for all the applications using the government portal over the General Election period, including ordinary registration, overseas registration, Voter Authority Certificate (VAC) applications etc.
27. The portal itself has been updated considerably since “go live” and while there are still some enhancements still to be made for both the public and “back office” functionality to improve both the speed of processing and the clarity of communication, particularly in cases where extra information is needed from the elector if ID has not been verified.
28. The shift to online applications is more secure than emailed copies of forms, and has slightly reduced postage and printing costs, and it helps to meet modern expectations about online service availability.
29. However, there are some back-office refinements still to be made to make the process more efficient. For example, the process for paper applications is rather convoluted – fortunately the numbers that are now received are small but nevertheless they take a disproportionate amount of effort from the electoral services team to process. However, amendments and updates to the service

are still actively being made and this should be less onerous by the time then next scheduled elections take place in 2026.

Changes to postal vote handling rules

30. Postal vote handling rules were also brought into force for elections in 2024. This meant that any person handing a postal vote pack in to council offices or into a polling station had to complete a “return of postal voting documents” form giving the name and address of the person handing in the postal voting packs, and confirming they had conformed to the rules concerning the number of packs they were handing in and whether they were a political campaigner or not.
31. The maximum number of postal votes that can be handed in by any individual is now five postal voting packs, plus their own pack (making a limit of six in total)
32. For political campaigners, a further limit was placed on whose postal vote could be handed in by the campaigner. They could still hand in five packs plus their own pack, the packs had to be from people the campaigner was closely related to or someone they provided regular care for.
33. Packs that were handed in at council offices or at stations without the person handing them in completing a “return of documents” form had to be rejected. Voters where ballots were rejected for this reason are written to after the election to explain that their vote could not be allowed.
34. Fortunately, there were no cases where postal votes were rejected for this reason at the GLA elections and only one case in the General Election, where a postal ballot was inserted into a polling station box (Hammersmith and Chiswick constituency)
35. This new procedure was the cause of some concern for polling and front-line staff who had previously simply had to accept postal voting packs and place them into a receptacle provided by Electoral Services, and there was additional time spent training all polling station staff on the new rules, in addition to explaining new rules around voter ID.
36. However, concerns about poor behaviour or confusion did not materialise on either polling day, although the extra administration did require additional staff time and resource. Most polling stations had additional staff to accommodate both the new postal vote handling rules and the voter ID requirements, and that is likely to be an ongoing need at future elections.
37. To ensure that voters who wanted to hand in votes at council offices were able to do so conveniently, reception staff at 145 King Street were provided with training and the necessary forms and a ballot box to keep postal votes secure and they were collected regularly by electoral services staff. This worked smoothly and will be repeated at future polls.

VOTER ID – EFFECT OF IMPLEMENTATION AT 2024 POLLS

38. The tables at **Appendix B** show numbers of electors in each ward reported as turned away from polling stations because they were unable to show accepted forms of ID, those returned with acceptable ID and were able to vote, and the number of electors using Voter Authority Certificates as a means of proving their identity for voting purposes.
39. It is impossible to quantify how many people without valid photo-ID might have voted if they had it, and there is no way to know how many potential voters simply stayed away from polling stations, although as discussed in the last report to the Board, the Electoral Commission did carry out some research that suggested that up to 4% of all non-voters did not vote because of the ID requirements.
40. Presiding Officers (the officers in charge of polling stations), were asked to give feedback about the GLA elections.

Voter Authority Certificates

41. There were 79 applications made for VACS between the date the election was called on 22 May and the deadline for applications. This compares to 28 applications made from Notice of Election for the GLA Elections on 19 March until the deadline for applications of 24 April.
42. It is likely that the rise in the number of applications reflects the higher level of interest in the General Election compared to the GLA elections, more than a result of a difference in advertising or promotion of the availability of free ID, given the campaigns for both elections were essentially the same.
43. VACS that were issued were not necessarily used in polling stations. The number of VACS presented in polling stations was recorded as 58 for stations in the borough for the UKPGE, and 50 for the GLA elections for the borough as a whole, while just over 200 VACS were issued this year.
44. While some under-reporting by busy polling staff is probably inevitable, it is still interesting that so many VACs that were issued do not appear to have been used in polling stations. Without further research it is not possible to know whether this is due to electors applying needlessly for their VAC or if they were choosing not to vote for some reason.

Engagement and Publicity

45. The previous report to the Board set out most of the engagement and publicity activities that Electoral Services and others were planning to promote awareness of the requirements of voter ID and are listed in **Appendix C** with updated costs and outcomes for those specific where available.
46. Work to alert voters to the voter ID requirements, and the availability of VACs was primarily by direct use of publicity materials both through social media and more traditional forms such as leaflets, posters and other handouts were made available in libraries and at public-facing offices such as 145 King Street.

47. Handouts explaining what ID was acceptable, where to find additional information and where to apply for a VAC for future elections were made available in every polling station in the borough, at both sets of elections. These were made primarily for staff to give to voters who did not bring the correct form of ID to begin with, but some Presiding Officers reported that they were also asked for them by voters to pass on to friends and family.
48. Electoral Services officers attended sessions for the Independent Living Skills group at the Care Leavers Hub, to explain voter registration, voter ID and voting to young people. The event was very well received, some of the young people attending registered to vote and applied for VACs or found out they already had appropriate ID to take to their polling station. Electoral Services are hoping to make attendance at these sessions a regular occurrence.
49. Young people were actively engaged via the council's Youth Council in promoting and publicising both voter registration, the ID requirements and voting itself. This resulted in social media messaging written by the young people, and a short video showing a young person voting for the same time which was shared via the council's website and the Youth Council membership (Cost £200).
50. Social media message, written by the young people, was re-posted by an LBC presenter, which increased its reach considerably.
51. The Faith Forum was attended by the Returning Officer, explained what the new requirements were and provided information about the ID requirements, and the forum was also provide with explanatory leaflets for use in their places of worship and elsewhere.
52. Disability groups were more difficult to engage with directly in this period, mainly due to scheduling difficulties for electoral services staff and the organisations concerned, however previously co-produced publicity materials were provided to libraries and local organisations and were used on social media.
53. The timing of the UK Parliamentary General Election meant that there was no time available for direct engagement about voter ID with external organisations after the GLA elections. However, considerable effort was put into providing information via social media and other advertising again, including repeating the provision of a leaflet explaining the new Voter ID requirements with poll cards and to libraries.

FUNDING FOR ACTIVITIES TO PROMOTE AWARENESS AND DELIVER THE NEW REQUIREMENTS - UPDATE

54. Since the last report to the council, at which we noted that a further grant was due, we have received a further £37,690. The grant is not ring-fenced, but the funding was intended to cover changes to the Overseas and absent voting rules at £17,943 and £19,747 for voter id communications costs. This will allow us to conduct all the activities listed above.

55. We received a further grant in April 2024 for the remaining provisions in the Act of £70,294, to cover additional burdens costs for 2024/2025 ahead of the May polls to provide additional poll clerks and additional training for all polling staff with regards to voter ID and new postal vote handling rules.
56. A further £22,885 was also received in June to support the additional staff processing costs for overseas voter registration, OAVA processing and VAC processing, with an element for communications costs for EUVCR.

HELPFUL INFORMATION

Further reports which may contain helpful Information for Officers and Members can be found here:

- Electoral Commission's report on the May 2024 elections in England: [Report on the May 2023 local elections in England | Electoral Commission](#)
- DHLUC's Evaluation of the Electoral Integrity Programme: [Electoral Integrity Programme evaluation: Year 1 - executive summary - GOV.UK \(www.gov.uk\)](#)
- All Party Parliamentary Group on Democracy and the Constitution: [VID+Inquiry+Report+FINAL.pdf \(squarespace.com\)](#)
- Local Government Information Unit, The Impact of Voter ID, the Views of Administrators: [The-impact-of-voter-ID-the-views-of-administrators.pdf \(lgiu.org\)](#)

LIST OF APPENDICES

Appendix A – Applications received through government voter registration portals
Appendix B – 2024 Voter ID Statistics
Appendix C – Engagement and publicity activities carried out prior to the 2024 elections