


Non-Executive Report to: General Purposes Committee Monday 2 December 2024	 TOWER HAMLETS
Report of: Stephen Halsey (CEO), Returning Officer and Electoral Registration Officer	Classification: Unrestricted
Elections Act 2022 Update	

Originating Officer(s)	Robert Curtis (Head of Electoral Services)
Wards affected	(All Wards)

Executive Summary

Following the introduction of the Elections Act 2022 two introductory reports have been considered by General Purpose Committee on 13 June 2023 and 28 September 2023.

The Act received Royal Assent on 28 April 2022 and made a range of changes that presented numerous challenges to the Returning Officer, Electoral Registration Officer, electoral administrators, political parties, candidates, campaigners, and the electorate of Tower Hamlets.

The changes have been comprehensive but were not implemented in a single publication with the then Department for Levelling Up, Housing and Communities (DLUHC), now the Ministry of Housing, Communities and Local Government (MHCLG), developing a rolling programme of secondary legislation and statutory instruments to implement the various changes.

Comprehensive guidance has produced with support from the Electoral Commission and the Association of Electoral Administrators (AEA).

The Act will at the end of January 2025 have been tested at scheduled and unscheduled polls and will be up and running in its entirety, with new renewal processes associated for absent votes and declaration electors e.g. Overseas having to be implemented, EU Citizens reviewed and changes made to the electoral register, and the continuation of the changes to polling stations.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the report and if considered necessary make recommendations to the ERO/RO.

1. REASONS FOR THE DECISIONS

- 1.1 This report is an information item

2. ALTERNATIVE OPTIONS

- 2.1 None

3. DETAILS OF THE REPORT

- 3.1 This report details the changes that have had to be put in place following the introduction of the Elections Act 2022 and reviews the implementation at polls held in 2024 where applicable.
- The Act also contained measures affecting the following, but this is not covered in the report.
- campaigning and the rules on campaign spending and funding and
 - the parliamentary oversight of the Electoral Commission
- 3.2 This summary highlights how the new Act affected the first polls held in Tower Hamlets since its introduction, namely the GLA held on Thursday 2 May 2024, the General Election held on Thursday 4 July 2024 and the Bow East By Election held on Thursday 12 September 2024.
- It should be noted that the changes introduced have been incremental with policy, statutory instruments and secondary legislation being drafted and approved as the timetable of introduction progresses.
- 3.2 Further implications of the Act and its implementation can be found here following the Electoral Commissions report on the elections held in 2024

<https://www.electoralcommission.org.uk/research-reports-and-data/our-reports-and-data-past-elections-and-referendums/report-2024-uk-parliamentary-general-election-and-may-2024-elections>

4. Voter ID

- 4.1 Arguably, the biggest change was the requirement for electors to show photographic identification (such as a passport or drivers' licence) to receive their ballot paper/s enabling them to cast their vote.
- 4.2 Training for all staff was comprehensive with sessions held in person in the Town Hall and also online to ensure that all electors who attended the polling stations, were required to show an accepted form of photographic identification before they received a ballot paper/s and then able to cast their vote.
- 4.3 A comprehensive communications plan was in place, this detailed in the report to GPC on 28 September 2023, and having the General Election called immediately after the GLA electors received two tranches of engagement along with programs run nationally by the Electoral Commission.
- 4.4 Two forms known as a Voter Identification Enquiry Form (VIDEF) and Ballot Paper Refusal List (BPRL) were introduced by the Electoral Commission and staff were required to record the various permutations on polling day. This included those who attended the polling station without Voter ID, were refused a ballot paper and who returned for a ballot paper later on during the day.
- 4.5 There were no exceptions to this requirement, and included those electors registered as anonymous electors.
- 4.6 If a person acted as a proxy for an elector, ID was required from the proxy but not for the person who has appointed the proxy.
- 4.7 Privacy screens were widely used and in some cases staff used separate rooms if available in the polling place. No reports were received in 2024 of any elector requesting that their Voter ID be checked in private being refused or that facilities were inadequate or not provided for.

5. Acceptable forms of identification

- 5.1 The acceptable forms of identification are set out in Schedule 1 of the Elections Act 2022 and following polls held in 2023 and 2024 the list is subject to review by Government and the Electoral Commission to ensure that the acceptable ID incorporates documentation that was not in the original list.
- 5.2 This was highlighted during the polls in 2023 when a member of HM Services could not vote because that particular ID was not listed.

- 5.3 Figures for the VIDEF and BPRL are detailed in the two updates to GPC for the GE and the GLA and highlight that the vast majority of the electorate were aware of the requirement with a very low numbers of electors attending the polling places without ID and those who did the vast majority returned to the polling station to receive their papers.
- 5.4 Presiding Officers did report that some electors simply refused to provide the necessary ID, albeit very low numbers, and in these incidences they were refused a ballot paper. This was at times confrontational for the Presiding Officer and staff to deal with but there were no incidences of an elector receiving a ballot paper without following the correct process and all refusals recorded on the forms provided.

6. Voter Authority Certificate (VAC)

- 6.1 If a resident with an entry on the electoral register does not have any of the accepted forms of ID, listed below, they could and can apply for a free Voter Authority Certificate - this is a photographic identity document specifically for the purpose of voting only.
- 6.2 There are three variations of this 'electoral identity document':
1. a Voter Authority Certificate (VAC)
 2. a temporary Voter Authority Certificate, which the Tower Hamlets Electoral Registration Officer (ERO) will have the discretion to provide in contingency situations.
 3. an Anonymous Electors Document (AED), for use by anonymous electors only. Registered anonymous electors are required to apply for an AED as this will be the ONLY accepted form of voter ID for anonymous electors at polling stations.

In Tower Hamlets we have 6 registered electors with anonymity who were invited to apply for the AED in January 2023

- 6.3 The Voter Authority Certificate is an A4 paper-based document, printed with appropriate security features, displaying,
- the elector's name,
 - photograph,
 - date of issue,
 - issuing local authority,
 - an 'identifier' (i.e., an alphanumeric reference), and
 - recommended renewal date.
- 6.4 The deadline for applications for Voter Authority Certificates at an election is 5pm, 6 working days ahead of a poll.
- 6.5 For those who apply for a Voter Authority Certificate the application service is as follows:
- a GOV.UK Voter Authority Certificate Service – this is an online application service, provided by central government on the GOV.UK website, where electors can apply online.
 - an alternative paper application form, designed by the Electoral Commission, allows an application to be posted or handed into the ERO at the Town Hall.
- 6.6 The online application is hosted on a secure government portal and came into force on 16 January 2023 and proved to be an easy method for electors to apply but was administratively very difficult for the electoral services team because a number of applications received had poor photographs that did not satisfy the requirements, and many were not registered to vote at all resulting in enquiries having to be made throughout the lead into the polls held to ensure people could vote.
- 6.7 There was also a degree of scepticism within the electoral services team that the applicant would actually possess an acceptable form of photographic ID, but applications had to be taken on face value.

6.8 If the applications had photographic ID that had expired it could still be used, if the photograph is still a good likeness.

7. Changes to absent voting

7.1 If an elector is applying to vote by post or by proxy, they are asked to provide proof of their identity.

7.2 A new online application service was set up by DLUHC to enable applications to be made and to verify their identity.

The online portals proved to be difficult to manage for the GLA but were under considerable strain when the numbers spiked during the snap General Election.

7.3 Considerable work is now being undertaken by MHCLG to rectify the issues experienced by administrators with working groups now meeting regularly to discuss the processes to try and address the complications for future polls.

8. Postal Voting

8.1 Under the old system if an elector elected to vote by post they were required to refresh their signature every 5 years, but the postal vote remained “permanent” if that was requested. This is, along with their Date of Birth, is known as a personal identifier.

8.2 This has now changed, and all postal votes will now only be valid for 3 years and a new application will be required.

8.3 This change will affect approximately 26,000 postal voters in Tower Hamlets with the transition to the new system to be completed by the Electoral Registration Officer by 31 January 2026

8.4 Changes did take place with postal votes handed into the polling stations on polling day with forms having to be completed by the person handing in the packs, this also the case in the Town Hall where a member of staff was sited throughout the timetable to enable the electorate to hand their packs in if they wanted. All staff were trained, and examples of the forms provided to ensure that this was implemented correctly.

8.5 There were also restrictions on the number of postal packs that could be handed in, this restricted to a maximum of 6 postal votes.

8.6 No breaches of these requirements were reported in the polls held in Tower Hamlets in 2024.

8.7 Political parties and campaigners are now prevented from handing in postal votes and no breaches of this requirement were reported.

9. Proxy Voting

9.1 People were only able to act as a proxy for a maximum of 4 people and of these 4, the maximum number who can be ‘domestic electors’ (voters living in the UK) is 2.

9.2 The offence is not being appointed but acting as proxy and no breaches of this requirement were reported.

10. Accessibility at polling stations

10.1 The new law places additional requirements on the Returning Officer to make it easier for voters with disabilities to vote and came into place from Thursday 4 May 2023.

10.2 Accessibility for electors in Tower Hamlets is acceptable but there are additional requirements that should be considered e.g. the RNIB report published post the GE recommends updated devices to be made available in polling stations.

10.3 Arrangements are already being made to discuss this with the RNIB and suppliers to upgrade the polling places for polls scheduled in 2026.

10.4 Staff were also trained so that voters with disabilities were afforded extra support at polling stations and anyone over the age of 18 is now able to act as a companion for a voter with a disability.

11. Rights of EU Citizens for voting and candidacy

- 11.1 Not all EU citizens will automatically be entitled to register to vote or stand for election and are subject to a review in 2024 with the exercise concluding on 31 January 2025.
- 11.2 Letters have been sent to all electors with EU nationalities who may be affected with 7,783 receiving letters confirming that their registration was pre 31 December 2020 and as such they can remain on the register but those where the evidence is not available must make a formal declaration that they were resident pre 31 December 2020 or they are from a country with reciprocal rights.
- 16,854 letters have been sent to these electors.
- 11.3 If an elector does not respond a reminder is being sent in November 2024, to date 11,728 electors have not responded, a notice of pending removal will then be sent and if no response is made after that notice a confirmation of removal will be sent and an application to register to vote enclosed should the EU citizen apply again following any changes of circumstance.
- 11.4 Throughout this timetable all the letters have a declaration document that can be completed and returned in the post or access can be obtained to a web site that can be accessed via a usual search engine or the scanning of a QR code.
- 11.5 The exceptions are:
- Qualifying EU citizens who come from countries that have reciprocal agreements with the UK (currently this is Denmark, Luxembourg, Poland, Portugal, and Spain)
 - EU citizens with retained rights, who were living in the UK before 31 December 2020 (before the UK left the EU)
 - These changes will not affect the rights of citizens from Ireland, Malta or Cyprus.
- 11.6 This change will apply to all local elections and referendums and all elections for the council here in Tower Hamlets.

12. Overseas Electors

- 12.1 The 15-year limit on voting for British citizens living overseas no longer applies and a system of “votes for life” introduced.
- 12.2 This was an extremely difficult transition for the electoral services team to implement for the General Election with a restricted timetable and applications made with very little supporting documentation and no records to refer to if an application was made based on residence several decades ago.
- 12.3 Essentially, any British citizen, previously registered to vote in the UK or resident in the UK, was able to apply to register to vote regardless of how long they have lived abroad, and they could apply online through a Government portal. This is detailed more comprehensively in the GE 2024 update to be considered by GPC but was a difficult and challenging time for the electoral services team and working groups are now meeting and working with Government to address the concerns raised during and post poll. Tower Hamlets is represented at these meetings.
- 12.4 The renewal period for overseas electors’ registrations has also changed from an annual renewal to every 3 years.

13. Changes to voting systems.

- 13.1 From May 2023 the voting system, at the elections listed below, changed from a supplementary vote system to a simple majority voting system and was used for the first time for the London Mayor in May 2024.
- 13.2 This is traditionally known as ‘first past the post’ where the elector votes for one candidate only and the candidate with the most votes will win.
- 13.3 Candidates will no longer have to secure a certain number of votes; they will just have to win more votes than any other candidate.
- 13.4 The voting system will be changed in all elections in Tower Hamlets and will apply to the Mayoral Poll to be held on Thursday 7 May 2026.

14. Preventing undue influence

14.1 There has been an expansion on the offence of undue influence.

1. A person will be guilty of a corrupt practice if guilty of undue influence.
2. A person will be guilty of undue influence if that person carries out an activity listed below in paragraph 4 for the purpose of
 - inducing or compelling a person to vote in a particular way or to refrain from voting, or
 - otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.
3. A person is also guilty of undue influence if that person carries out an activity falling within any of the activities listed below, (a) to (f) on account of
 - a person having voted in a particular way or refrained from voting, or
 - assuming a person to have voted in a particular way or to have refrained from voting.
4. The activities are as follows.
 - a. using or threatening to use violence against a person.
 - b. damaging or destroying, or threatening to damage or destroy, a person's property.
 - c. damaging or threatening to damage a person's reputation.
 - d. causing or threatening to cause financial loss to a person.
 - e. causing spiritual injury to, or placing undue spiritual pressure on, a person.
 - f. doing any other act designed to intimidate a person.
 - g. doing any act designed to deceive a person in relation to the administration of an election.

For the purposes of (2) and (3) above an activity is carried out if it is

- a) by that person
- b) by that person jointly with one or more other persons, or
- c) by one or more other persons on behalf of that person, with that person's authority or consent.

In 4.f. & 4.g. above, "act" includes an omission (and references to the doing of an act are to be read accordingly).

14.2 Following the polls in 2024 there have not been any substantiated offences or further action taken by the police following accusations made.

14.3 There is though concern, as detailed in the Electoral Commissions report published on the 13 November 2024 that offences of intimidation and threats were prevalent particularly towards candidates, and meetings are now taking place with representatives of Government and stakeholders from across the UK.

Tower Hamlets Returning Officer has also been invited to attend these meetings and MHCLG representatives will be visiting the Town Hall and a number of other authorities in London to discuss in detail in due course.

15. EQUALITIES IMPLICATIONS

15.1 Initial reporting of the implications of the Act expressed concern that the introduction of Voter Identification would disadvantage electors who would not have the necessary approved documentation.

15.2 A very small number did not receive ballot papers because they attended the polling stations without ID and did not return but in the main the production at polling stations was very good,

this in part due to the GLA being followed almost immediately by the General Election with familiarisation of process carried forward.

5. OTHER STATUTORY IMPLICATIONS

5.1 No implications direct to this report

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications from noting the Elections Act 2022 update report. The Council received New Burdens grants of £17k to help implement changes and the existing budget will fund future elections.

7. COMMENTS OF LEGAL SERVICES

7.1 The Representation of the People Act 1983 sets out the duties of Electoral Registration Officers and Acting Returning Officers in relation to general elections.

7.2 The Elections Act 2022 sets out the requirements for voting and related matters, as set out in this report.

7.3 The matters set out in this report demonstrate compliance with these duties.

Linked Reports, Appendices and Background Documents

Linked Report

None

Appendices

None

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

None

Officer contact details for documents:

Robert Curtis

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