

COMMITTEE: General Purposes Committee	DATE: 2006	CLASSIFICATION Unrestricted	REPORT NO.	AGENDA ITEM No:
Report of Assistant Chief Executive (Legal Services) Originating Officer: Isabella Freeman		TITLE: ELECTIONS UPDATE Ward(s) affected. All		

1. SUMMARY

This is an update report on polling station reviews and other legislation relating to elections.

2. RECOMMENDATIONS

2.1 It is recommended that the Committee note the report.

LOCAL GOVERNMENT ACT 2000 SECTION 97

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background papers"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
None		

3. **BACKGROUND**

3.1 The Electoral Administration Act was passed in July 2006 and whilst some provisions have been brought into effect the majority of the changes are still awaiting implementing regulations which are being considered in Parliament this autumn with effective dates in the spring of 2007. Unfortunately there appears to be many different Regulations and this area of legislation is badly in need of some new consolidating regulations

3.2 A summary of the main changes is set out in Appendix A. In relation to postal votes there will be a requirement for personal identifiers (date of birth and signature) to be provided on the application. This can then be verified. We will write to all postal vote applicants in the New Year when this provision comes into force. Existing postal voters will remain on the register. There are also new offences that cover postal vote fraud.

3.3 **Review of Polling Districts and Places**

Section 16 of the Electoral Administration Act 2006 sets out the new arrangements for the review of polling districts and places. These provisions are scheduled to come into effect on 1 January 2007. The regulations are currently before Parliament and if approved will take effect from 1 January 2007.

Under Section 16 every authority must carry out a review of all the polling districts and polling places in its area before the end of 12 months starting with the date when Section 16 comes into force.

It is therefore proposed to start a review in April 2007 when the new elections staffing structure is in place.

The authority must then carry out further reviews every 4 years.

Section 16 inserts a new schedule (Schedule 1A) into the Representation of the People Act 1983 that sets out the procedure for carrying out a review –

- 1) The authority must publish notice of the holding of a review.
 - 2) It must consult the Returning Officer for every parliamentary constituency which is wholly or partly in its area.
 - 3) The returning officer must make representations to the authority as to the location of polling stations within polling places and these representations must be published in the manner prescribed.
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- 4) The authority must seek representations from persons with particular expertise in relation to access to premises or facilities for persons who have different forms of disability. They must have the opportunity to make representations and to comment on the Returning Officer's representations.
- 5) Any elector in the area may make representations.
- 6) Any representations made by any person in connection with the review may include proposals for alternative polling places.
- 7) On completion the authority must give reasons for its decisions and publish the prescribed information.

The regulations that come into force on 1 January 2007 prescribe –

- 1) the manner of publication of representations made by the Returning Officer – the authority must publish such representations within 30 days of receipt in at least one conspicuous place in their area and on their website.
- 2) the regulations also prescribe the information to be published on completion of the review – all correspondence and representations; the minutes of any meetings held to consider the designation of polling districts/polling places as a result of the review. Details of the places where the results of the review have been published.

Section 16 also reinforces the duty of local authorities to ensure access to the electoral process for people with disabilities so we will need to consult with disabled groups and ensure we follow Electoral Commission Guidance at that time. There is also a provision where anyone with sufficient interest can appeal to the independent Electoral Commission about the designation of a particular polling place.

Ward Boundary Reviews

The Boundary Commission is responsible for this. A full programme of ward boundary reviews was completed two years ago (periodic review). New wards for Tower Hamlets came into effect for the 2002 Elections. There is no plan to carry out a further periodic review.

In March each year the Commission do review data on the new registers published on 1st December each year. They check for democratic inequality, that is the numbers of constituents each councillor represents. The initial review included 5-year forecasts on electorate.

4. COMMENTS OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

4.1 The legal implications are set out in the report

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 A growth bid has been submitted in the budget round to cover the additional costs of postage, printing and general budget as the new regulations require that the elections manager sends out more notices and takes various steps to verify electors wishes.

6. EQUAL OPPORTUNITIS IMPLICATIONS

6.1 None

7. ANTI –POVERTY IMPLICATIONS

7.1 None

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

None

9. RISK MANAGEMENT IMPLICATIONS

9.1 None

APPENDIX A

NOTE FOR COUNCILLORS ON ELECTION LEGISLATION CHANGES

The New Electoral Administration Act 2006 was passed in July – some of the provisions have been brought into effect in the September Commencement Order. The Regulations that are needed to back up the legislation have not yet been passed through Parliament but are due to go this autumn. The main provisions will not be effective until next year

The provisions cover the canvass, registration, voting by post/proximity.

The Canvass

The Electoral Registration Officer (ERO) is required to send the canvass form more than once to the address and make more than one house to house enquiry. We are currently in the canvass period and are already implementing this by sending the form by post twice and a final reminder form is left by the canvasser if no contact can be made.

Registration

There are new formal procedures around anonymous registration (this applies to police and those who can establish their safety at risk subject to providing prescribed evidence) evidence must now be provided in writing to the ERO. Military service registration now remains on the role for 3 years

Postal Voters and Proxy Voters

The new regulations coming into effect next year will require that those who vote by post/proxy must provide signature and date of birth (personal identifiers) when applying. The ERO may then check these against other records. We are not

sure what other records yet, discussions are ongoing with government as the Council does not hold any databases with signatures and date of birth. Existing postal voters will also have to comply to remain as postal voters. Fresh signatures will be required every 5 years.

A postal voting statement will replace the declaration of identity. The ERO will be obliged to check at least 20% of the postal vote statements against original applications. Currently suppliers are testing scanning equipment and software to provide accurate matches.

The ERO will now have the power to carry out more checks if appropriate.

New offences for postal vote fraud have been established to cover:-

- Revised undue influence to be effective even when no steps taken
- Applying for dead/fictitious person
- Misdirecting postal votes
- Seeking to deprive another of the vote
- False registrations

There will be a marked register for postal votes similar to that used at polling stations.

Voting at Polling Stations

Ballot books will be scrapped. Instead of the counterfoil there will be a corresponding number list recording the elector's number and the elector will sign for a ballot paper. Stamping instruments to be replaced by security mark.

Participation in Vote

The ERO can formally encourage participation in voting – new toolkit, new performance standards for elections

Age of Councillors

The age requirement for standing in elections is reduced from 18 to 21.

Isabella Freeman

Assistant Chief Executive (Legal Services)

6th November 2006

