

Summary of the Elections Act 2022

Introduction

The UK government has implemented significant changes to the current electoral system.

The Elections Act 2022 outlines measures which will affect the way that electors in Tower Hamlets will exercise their right to vote and how elections are conducted in Tower Hamlets.

In addition, the Act also contains measures that affect,

- campaigning and the rules on campaign spending and funding and
- the parliamentary oversight of the Electoral Commission

Arguably, the biggest change is the requirement for electors to show photographic identification (such as a passport or drivers' licence) when they vote at a polling station.

Below is a summary of the changes with further information due to be published throughout 2023 into 2024 by DLUHC supported by the Electoral Commission and Association of Electoral Administrators.

It should be noted that the changes are incremental with policy, statutory instruments and secondary legislation being drafted and approved as the timetable of introduction progresses.

The first changes came into force at local elections held on Thursday 4 May 2023 and some of the requirements will apply to Tower Hamlets from that date.

More information about the Elections Act 2022 can be found here.

<https://www.gov.uk/government/news/greater-protections-for-voters-as-governments-elections-bill-achieves-royal-assent>

Voter ID

All electors, who vote at a polling station, will be required to show an accepted form of photographic identification from Thursday 4 May 2023 before they receive a ballot paper and then cast their vote.

There are no exceptions to this requirement and will also include those who are registered as anonymous electors.

If a person is acting as a proxy for an elector, ID will also need to be shown by the proxy but will not have to be shown for the person who has appointed the proxy.

Verification of identity will also be introduced for postal voters, and people appointing a proxy in the summer of 2023.

Acceptable forms of identification

Accepted forms of identification are set out in Schedule 1 of the Elections Act 2022.

This list includes 'an electoral identity document' issued under section 13BD of the Act.

1. **Voter Authority Certificate (VAC)**

If a resident with an entry on the electoral register does not have any of the accepted forms of ID, listed below, they can apply for a free **Voter Authority Certificate** – this is a photographic identity document specifically for the purpose of voting.

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 will be 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

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 alphanumerical reference), and
- recommended renewal date.

The deadline for applications for Voter Authority Certificates at an election will be 5pm, 6 working days ahead of a poll.

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.

The online application portal is hosted on a secure government portal and came into force on 16 January 2023.

Important:

If an elector possesses an accepted form of photographic ID, they do not need to apply for a Voter Authority Certificate (Voter ID).

If their photographic ID document has expired it can still be used, if the photograph is still a good likeness.

2. Passport:

- a United Kingdom passport
- a passport issued by an EEA state or Commonwealth country.
- If an elector does not have a passport, they can apply here

<https://www.gov.uk/apply-renew-passport>

3. **Driving licence (including provisional licences):**

- a licence to drive a motor vehicle granted under 15(i) Part 3 of the Road Traffic Act 1988, or (ii) the Road Traffic (Northern Ireland) Order 1981 (SI 1981/154 (N.I. 1))
- a driving licence issued by any of the Channel Islands, the Isle of Man, or an EEA state.
- If an elector has lost their driving licence, they can apply here
<https://www.gov.uk/browse/driving/driving-licences>

4. **Immigration document:**

A biometric immigration document issued in accordance with regulations under section 5 of the UK Borders Act 2007.

5. **Proof of Age Standards Scheme (PASS) hologram:**

An identity card bearing the proof of age standards scheme hologram. An application can be made here.

<https://www.pass-scheme.org.uk/card-suppliers/>

6. **Ministry of Defence Form 90 (Defence Identity Card):**

Commonly known as a MOD90.

7. **Concessionary travel passes.**

This list sets out all concessionary travel cards that will be accepted, to avoid any confusion.

These include:

- An older persons travel pass (UK Government)
- <https://www.gov.uk/apply-for-disabled-bus-pass>
- Oyster 60+ card
- Freedom Pass
- National Entitlement Card (Scottish Government)
- 60 and over Welsh Concessionary Travel Card (Welsh Government)
- Disabled Person's Welsh Concessionary Travel Card (Welsh Government)
- a Senior SmartPass (Northern Ireland)
- a Registered Blind SmartPass or Blind Person's SmartPass (Northern Ireland)
- a War Disablement SmartPass or War Disabled SmartPass (Northern Ireland)
- a 60+ SmartPass (Northern Ireland)
- a Half Fare SmartPass (Northern Ireland)

8. **Chronically sick or disabled.**

A badge of a form prescribed under section 21 of the Chronically Sick and Disabled Persons Act 1970 or section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (blue badge scheme).

9. **Electoral documents**

- an electoral identity document issued under section 13BD (electoral identity document: Great Britain)
- an anonymous elector's document issued under section 513BE (anonymous elector's document: Great Britain) the holder of which has an anonymous entry at the time of the application for a ballot paper.
- an electoral identity card issued under section 13C (electoral identity card: Northern Ireland)
- a national identity card issued by an EEA state.

Changes to absent voting

It is expected that the changes to absent voting will come into force towards the end of 2023.

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

A new online application service will be set up.

This will enable the elector to apply for a postal or proxy vote online and verify their identity.

Postal Voting

Currently if an elector votes by post they are required to refresh their signature every 5 years. This is, along with their Date of Birth, is known as a personal identifier.

This will be changed to having to completely renew the postal vote every 3 years.

If anyone hands postal votes into the polling stations on polling day, they will only be allowed to hand in a maximum of 6 postal votes.

Political parties and campaigners will also be prevented from handing in postal votes.

Proxy Voting

People will only be able to act as a proxy for a maximum of 4 people.

Of these 4, the maximum number who can be 'domestic electors' (voters living in the UK) is 2.

Accessibility at polling stations

The new law will make it easier for voters with disabilities to vote.

Changes will be in place from Thursday 4 May 2023.

Voters with disabilities will be given extra support at polling stations and anyone over the age of 18 will be able to act as a companion for a voter with a disability.

Rights of EU Citizens for voting and candidacy

Not all EU citizens will automatically be entitled to register, vote, or stand for election.

The exceptions are:

- Qualifying EU citizens who come from countries which have reciprocal agreements with the UK (currently this is only Luxembourg, Poland, Portugal, and Spain)
- EU citizens with retained rights, who were living in the UK before 1 January 2021 (before the UK left the EU)

This change will apply to all local elections and referendums and all elections for the council here in Tower Hamlets.

These changes are expected to take place by spring 2024.

Overseas Electors

The 15-year limit on voting for British citizens living overseas is to end.

In future, any British citizen, who has been previously registered to vote in the UK or resident in the UK, will be able to apply to register to vote regardless of how long they have lived abroad.

The renewal period for overseas electors' registrations will change from an annual renewal to every 3 years.

It is expected that these changes will take place by May 2024, but the precise dates are yet to be confirmed by DLUHC.

Changes to voting systems.

From May 2023 the voting system, at the elections listed below, will be changing from a supplementary vote system to a simple majority voting system.

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.

Candidates will no longer have to secure a certain number of votes; they will just have to win more votes than any other candidate.

The voting system will be changed in all elections in Tower Hamlets for:

- local authority Mayor (TH)
- the London Mayor (GLA)

Preventing undue influence

There has been an expansion on the offence of undue influence, scheduled to come into force in November 2023, but a precise date is yet to be confirmed by DLUHC.

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).