

<b>Meeting:</b>	Corporate Services, Climate Change and Scrutiny Management Committee
<b>Meeting date:</b>	16/10/2023
<b>Report of:</b>	Director of Governance
<b>Portfolio of:</b>	Cllr Claire Douglas, Leader inc. Corporate Services, Policy, Strategy and Partnerships

## **Scrutiny Report: Election Act 2022 and City of York Council Elections 2023**

1. This report provides information on the delivery of the City Council elections 2023.
2. No action is required in respect of this report, as it is for information only, and elected Members have no role in the delivery of the elections.

### **Policy Basis**

3. The delivery of elections, by way of both in-person polling and postal voting, is a statutory requirement of the Council.

### **Recommendation and Reasons**

4. The Committee is invited to note the report.  
Reason: To keep the Committee updated.

### **Background**

5. On 4 May 2023, the City of York Council held whole-Council elections for all 47 Councillors, together with elections for contested Parish Councils, and a Neighbourhood Planning Referendum. The responsibility for the elections lies with the

Returning Officer, a role that is fulfilled by the Chief Operating Officer at the council.

6. As Members will be aware, the introduction of a requirement for electors attending polling stations to present a valid and approved photo ID added to the usual complications of running elections. Unfortunately, the Regulations enacting the requirement were not brought in until 27 August 2022, and Regulations setting out the process for those who do not have a valid photo ID to apply for a Voter ID document were not made until 22 December 2022. To compound this lateness, the government's Voter Authority Certificate ("VAC") application website did not 'go live' until 16 January 2023.
7. Given the lateness of the above, together with the relatively low-profile way in which the change was been brought in (with a national advertising campaign from the Electoral Commission ("EC"), but no national campaign by government), there were risks that a significant number of the electorate would be unaware of these requirements on 4 May.

### **Voter ID Document**

8. As noted above, in order to cast a vote at a polling station, each elector needed to produce a photo ID. In order to facilitate this, Parliament specified a number of existing forms of photo ID (including expired ID) as being acceptable; for those electors who had none of the approved forms of ID, Parliament introduced VACs.
9. National research suggested that approximately 4% of the eligible population do not have any approved form of photographic ID, although this rises in disadvantaged communities, with research in 2021 by the Electoral Commission suggesting that 8% of those with a disability and 11% of those who are unemployed do not have such an ID.
10. The application process for VACs was generally online, but there were also provisions for paper applications, and for applications to be submitted with assistance from the Council. By the cut-off date for VAC applications, the Returning Officer had issued 358

certificates, of which almost half were used at polling stations.

### **Pre-election Activity**

11. In order to try and ensure that as many electors as possible could vote, the Council chose to run an extensive media campaign, taking out adverts in local press and on local radio stations, regular social media posts on the Council's social media channels, and even radio interviews.
12. The adverts sought to raise elector awareness of the need for Voter ID, and offered options for voting, including what ID can be used, how to apply for a VAC, how to apply for a proxy vote, and how to apply for a postal vote.
13. This local campaign supplemented the national, and subsequently locally focused, campaign run by the EC, resulted in almost 750,000 'impressions', and contributed to an additional 1,000 postal vote applications. A breakdown of the 'impressions' is attached at Annex 1 to this report.

### **Postal Vote Performance**

14. Overall, the Council (through its external printers) issued 18,195 postal vote packs, across approximately 5 days. The dispatch and delivery process is that, once printed, the postal votes were delivered by the printers to Royal Mail, for onward transmission and direct delivery to postal voters.
15. It is the case that, unfortunately, a small number of those postal vote packs were not delivered within the anticipated timescale, which gave rise to a number of queries (97) from electors in relation to their missing postal vote pack. It is, however, the case that every elector who contacted electoral services received a replacement postal vote pack, or the opportunity to collect such a pack, in advance of the election.
16. It is also the case that, due to an error at the printers, approximately 800 duplicate postal vote packs were sent out to electors. Whilst, from a procedural perspective, it was straightforward to eliminate the duplicates from those postal votes

which were to be counted as part of the election, this error was deeply regrettable, and caused unnecessary concern to electors, candidates, agents, and staff.

17. Ultimately, the return rate for postal votes was 81.6% of those validly issued (13,963 postal votes returned, of which 13,607 were forwarded to the count). From personal experience, this is significantly higher than the usual postal vote return rate (generally around 75%) and speaks positively of both the pre-election communications campaign and the level of elector engagement in the elections.

### **Voter ID**

18. At the time of the elections, the electorate eligible to vote at polling stations was 148,251. Of that electorate, 41,879 actually attended a polling station to vote.
19. 149 electors originally attended a polling station without appropriate ID and were not initially issued with a ballot paper. Of those 149, 105 subsequently returned to their respective polling stations with suitable ID, leaving only 44 electors who were ultimately unable to cast a vote due to a lack of suitable photo ID. This means that 99.9% of electors who attended polling stations were able to vote, and only 0.1% of electors were disenfranchised by their lack of ID.
20. This compares extremely favourably with the performance of other Councils. The Electoral Commission's Election Report notes that "at least 0.25% of people who tried to vote at a polling station in May 2023 were not able to because of the voter ID requirement", whilst the City of Bradford reported a non-return rate for electors without suitable ID of 0.77% (498 out of 65,087 electors who voted at polling stations). Again, this is due in no small part to the comprehensive communications campaign. Details of the EC's report can be found here:  
<https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/our-reports-and-data-past-elections-and-referendums/england-local-council-elections/report-may-2023-local-elections-england>

## **Electoral Commission**

21. As Members may be aware, the Electoral Commission has national responsibility for monitoring electoral performance. As part of the ongoing preparations for the elections, regular project team meetings were held, and representatives of the EC were invited to each and every such meeting.
22. In addition, where an issue (such as the duplicate postal vote packs) arose outside of the project teams, contact was immediately made with the EC, to appraise them of the issue, to inform them of steps taken to remedy the issue, and to seek guidance on whether any other steps were required. As such, Members can be assured that at all times the EC were aware of, and content with, the Council's performance in relation to the electoral process.

## **Polling Day and the Count**

23. Following the extensive preparations, polling day passed in relative calm, with polling stations reporting a slow but steady flow of electors through the day. The Council was fortunate to have ensured that all Presiding Officer, Poll Clerk, and Inspecting Officer posts were filled in good time, with reserves in place, ensuring that stations were fully staffed through the day.
24. No significant issues were reported during the day, and the close of poll was concluded at 10pm with no reported queues. Of a total eligible polling station electorate of 148,251, a total of 41,879 votes, giving a polling station turnout of 28.2%.
25. Following the close of poll, ballot boxes began arriving at the count venue by approximately 10:15pm, with all boxes present by 12:30am. The ballot boxes were secured overnight at the count venue, with on-site security present to ensure the integrity of the venue. Senior count staff began arriving from approximately 8am.
26. Previous experience had suggested that the 80 counters used at the 2019 elections were insufficient to deliver a swift count process; to that end, provision was made for a total of 120 counters (plus table supervisors and assistants).

27. As a result of the additional counters, the count began at 9:00am, with an early declaration of the first result, and was concluded by 5:00pm; this is particularly pleasing given that in 2019 the count did not conclude until after 8:00pm, and that the 2023 count included not only all 21 wards of the City of York, but also 4 contested Parish Council elections, and a Neighbourhood Planning Referendum for Strensall with Towthorpe.
28. Crucially, no elections petitions were submitted, and there has been no question over the validity of any of the results declared on 5 May 2023. Overall, the election must, therefore, be considered a success.

### **Learning Points**

29. Two key learning points arise from the 2023 elections, both relating to postal votes. These relate to communications, and deliveries.
30. With regard to communications, it would have helped both the Council and the electorate if we had put out a clearer message around delivery times for postal votes; instead of indicating that postal votes had all been dispatched, thereby raising an expectation amongst postal voters that their postal vote pack would be delivered the following day, it would be more helpful for us to be clear that the postal vote packs had been passed to Royal Mail, and would be delivered over approximately a week.
31. This would serve to reassure postal voters that their packs are in transit and will be delivered in a reasonable timescale, rather than raising concern that the pack hasn't been delivered the day after it was handed to Royal Mail.
32. Turning to deliveries, as noted at paragraph 13 above, the Council issued a small number of replacement postal vote packs to individuals. These can be issued for a number of reasons, ranging from non-delivery to spoilt ballot papers or PVSs. We must, however, be open to alternative delivery possibilities, and we will therefore undertake a piece of work to compare delivery costs

through Royal Mail with delivery costs arising from the Council employing a group of individuals to effect hand delivery of all postal vote packs. (Return delivery would, of course, happen through Royal Mail.) Equally, we will compare the cost of poll card delivery by Royal Mail with the cost of hand delivery of all poll cards.

33. This exercise will assist in both ensuring value for money, and in determining the most effective and resilient method for the delivery of key electoral documents.

## **Consultation Analysis**

34. Given the information-only nature of the report, there are no direct implications from this report.

## **Contact details**

For further information please contact the authors of this Report.

### **Author**

<b>Name:</b>	Bryn Roberts
<b>Job Title:</b>	Director of Governance
<b>Service Area:</b>	Governance
<b>Telephone:</b>	
<b>Report approved:</b>	Yes
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## **Background papers**

### **Annexes**

- Annex 1: Details of communications campaign ‘impressions’.