

Report of the Director of Governance

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

### **Introduction**

1. This report provides information on the preparations for the forthcoming City Council elections, together with the steps taken to implement the relevant sections of the Elections Act 2022 which have come into force.
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.

### **General context and Background**

3. On 4 May 2023, the City of York Council will hold whole-Council elections for all 47 Councillors, together with such elections as are required for any contested Parish Councils. The responsibility for the elections lies with the Returning Officer, a role that is fulfilled by the the Chief Operating Officer at the council. Whilst it is certainly the case that all 47 City Council seats will be contested, many Parish Councils struggle to find sufficient candidates for their vacancies, and often those who stand are elected unopposed.
4. To add to the usual complications of elections, on 28 April 2022 the Elections Act 2022 (“the Act”) received Royal Assent. The provisions of the Act are wide-ranging, and future changes include restrictions on political campaigners handling postal votes, the number of proxy votes an individual can exercise, and various other prospective provisions. However, the key change for the 2023 elections is the requirement for all electors voting in person to present an approved photo ID before being issued with their ballot paper(s).

5. Whilst this requirement has been in force in Northern Ireland for over two decades, its introduction to mainland UK marks a significant change for the electorate, and will mean that a Presiding Officer at a polling station will be entitled to refuse to issue ballot papers to an elector who is legitimately registered to vote.
6. The requirement for photo ID was clear from the Act, but 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 has been brought in, there are risks that a significant number of the electorate will be unaware of the requirements on 4 May.

## **Voter ID Document**

8. As noted above, in order to cast a vote at a polling station, each elector will need to produce a photo ID. Parliament has specified the following as acceptable forms of photo ID:
  - a passport issued by the UK, any of the Channel Islands, the Isle of Man, a British Overseas Territory, an EEA state, or a Commonwealth country;
  - a driving licence issued by the UK, any of the Channel Islands, the Isle of Man, or an EEA state (this includes a provisional driving licence);
  - a biometric immigration document;
  - an identity card bearing the Proof of Age Standards Scheme hologram (a PASS card);
  - a Ministry of Defence Form 90 (Defence Identity Card);
  - a Blue Badge;
  - a national identity card issued by an EEA state;
  - an Older Person's Bus Pass;
  - a Disabled Person's Bus Pass;
  - an Oyster 60+ Card;
  - a Freedom Pass;
  - a Scottish National Entitlement Card issued in Scotland;
  - a 60 and Over Welsh Concessionary Travel Card issued in

Wales;

- a Disabled Person's Welsh Concessionary Travel Card issued in Wales;
  - a Senior SmartPass issued in Northern Ireland;
  - a Registered Blind SmartPass or Blind Person's SmartPass issued in Northern Ireland;
  - a War Disablement SmartPass issued in Northern Ireland;
  - a 60+ SmartPass issued in Northern Ireland;
  - a Half Fare SmartPass issued in Northern Ireland; and
  - an Electoral Identity Card issued in Northern Ireland.
9. Expired photographic identification documents can still be used as accepted photographic ID at a polling station or signing place, as long as the photograph is still a good likeness of the elector. Notable by its absence from the above list, however, is any form of Student ID card.
10. National research suggests 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. Given the lack of student ID recognition, there is a particular concern that the student population in York may require give rise to a significant number of voter ID applications.
11. For anyone who wishes to vote in person but does not have appropriate photo ID, the government has introduced the VAC. This may be obtained either by way of an online application (<https://www.gov.uk/apply-for-photo-id-voter-authority-certificate>) or by completing a paper application (available either to print at home, or at the Council's offices).
12. In order to apply online, all an applicant requires is their Name, Address, National Insurance number, and a suitable digital photograph which must:
- be a true likeness;
  - be in colour;
  - be taken against a plain, light background;
  - be in sharp focus and clear;
  - be free from 'redeye', shadows which obscure the face, or reflection;
  - not be damaged;

- be at least 750 pixels in height and 600 pixels in width; and
  - be contained in an electronic file which is no more than 20MB in size.
13. Paper applications are equally straightforward (a copy of the form is attached to this for information). Again, the necessary information is confined to Name, Address, NI Number, and the provision of a photo, although in the case of the latter the photo must be at least 45mm in height and 34mm in width, and less than 297mm in height or 210mm in width.
  14. For those electors who have neither access to the internet nor a printer, they are able to attend the Council's offices and request a form and photograph; the expectation is that the Council will have the facilities to take an appropriate photograph to go along with any paper application, as required; to that end, it is intended that a suitable digital camera be purchased (utilising the new burdens funding provided for the purpose) to ensure the appropriate quality of photograph. It is expected that this will be the least-used option for applying for a VAC.
  15. Following receipt of an online VAC application, the Council has a two-stage process to undertake for approval. Firstly, it is necessary to 'match' the applicant with their entry on the electoral roll (to confirm their electoral number); whilst this has theoretically been automated, with the online VAC application system 'talking' to the Council's software, Democracy Counts, it is frequently the case that communications break down, and the check must be performed manually. Secondly, an electoral services officer must examine the photograph provided by the applicant and determine whether it meets the criteria set out above.
  16. To date, the processing of these applications has not been unduly onerous – at the time of writing the Council has received 87 applications. However, it is anticipated that this number will increase exponentially as the elections draw closer, and those members of the electorate who do not have appropriate ID understand the need to apply.
  17. Information relating to the need to have a valid photo ID or VAC will be contained in the new format poll card which will be distributed shortly. Templates for the new format poll cards can be found in Part 1 of Schedule 1 to [The Voter Identification \(Principal Area,](#)

[Parish and Greater London Authority Elections\) \(Amendment\) Rules 2022.](#)

## **Polling Station Issues**

18. Once polling begins, polling station staff will have additional responsibilities. It is anticipated that the majority of electors will have the necessary ID to be issued with ballot papers, and their ID will be verified by an additional poll clerk to be provided to each polling station.
19. However, it is inevitable that some electors will not have the requisite ID, and will need to be turned away; it will be the Presiding Officers' duty to deliver that message. It is, of course, possible that some electors will return to the polling station at a later time with appropriate ID, but there will be some who do not have such ID and will therefore be refused ballot papers.
20. Furthermore, for electors who wear face coverings, the Presiding Officer will be responsible for verifying the elector's identity in private, and thereafter approving the issuing of ballot papers. The elector will also be provided with facilities to allow them to readjust their face covering before voting. In addition, the legislation now provides that any elector may ask to have their ID checked in private, and there are a number of potential solutions for how this can be delivered depending on the layout of the polling station.
21. Once an elector's ID has been checked, and their identity verified, there is then an additional register to be completed, recording the details of the elector's ID on the Voter Identification Evaluation Form (VIDEF), providing further additional work for the polling station staff.
22. In addition to the voter ID requirement, the Act also introduces a requirement for greater accessibility at polling stations. In order to assess each station, the Head of Legal Services has been working with the Access Officer to ensure stations are as accessible as possible. However, again there will be an expectation that Presiding Officers will 'go further' than previously in assisting disabled electors to cast their votes independently.

## **Postal Votes**

23. Despite having an electorate of approximately 145,000, the number of electors presently choosing to use a postal vote for elections is only approximately 16,500.
24. As a matter of principle, electoral administrators consider it desirable to increase the number of postal voters in any given electoral area. Statistically, it is the case that postal voters are between two and three times more likely to vote than those who traditionally vote at a polling station (the usual turn out being approximately 75% of postal voters as opposed to approximately 25% to 30% of electors voting at polling stations in local elections).
25. In addition, an increased number of postal voters provides a more straightforward method of dealing with polls, as a substantial proportion of the electorate casts its vote and returns it to the council in advance of polling day. This allows the Council to better plan its processes, and better utilise its resources.
26. The process for applying for a postal vote is remarkably similar to the process for applying for a VAC; the principal difference being that no photo needs to be provided for a postal vote application. As a consequence, whilst encouraging members of the public who require a VAC to apply for one, the council is also promoting postal voting as an alternative to in person voting at a polling station.
27. Notwithstanding the general principle set out above, it would be particularly desirable to try and increase the number of postal voters for May's election, as this will reduce the number of people either needing to show voter ID in polling stations before receiving their ballot papers, or those needing to apply for a VAC in order to be able to vote in a polling station. A significant communications programme is planned, as set out below, to increase postal voter numbers.

### **Steps Taken So Far**

28. All core staff working on the elections either have undertaken, or are booked to undertake, specialist AEA training in relation to the Elections Act 2022 and the implications for the 2023 elections. Particular focus is paid to the Voter ID requirements, and to consistency of decision-making on the acceptability of submitted photographs for VACs.

29. In order to address the Voter ID issue, the Council commenced a communications campaign in early January, comprising both city-wide publicity and targeted communications with affected stakeholder groups. This campaign complements the national Voter ID campaign being run by the Electoral Commission, and seeks to ensure that as many people as possible are aware of the requirement to produce ID at a polling station when voting in person, and encouraging people who don't have such ID to either apply for a VAC or to apply for a postal vote. Additional advertising, paid for from central government new burdens funding, is planned in coming weeks and will provide significant local York-focused publicity in relation to the elections and Voter ID.
30. In addition to be above campaign, the council is also promoting postal voting as an alternative to the need for a VAC, with a view to both increasing the number of postal voters which the council presently has and reducing the burden on the elections team in dealing with applications for VACs.
31. As a further practical measure for polling day, the council is seeking to recruit additional poll clerks for each polling station to ensure there is sufficient capacity amongst polling staff to enable voter ID checks to be carried out without disturbing the flow of electors.

### **Financial Implications**

32. There are no direct financial implications from this report, as the cost of local elections has a central budget provision. The Government has also provided approximately £90,000 of new burdens funding in relation to the impact of the Act. This funding will be used to support the publicity campaign outlined above and deal with other additional costs such as increased staffing. The precise breakdown of use will be determined by the Returning Officer in coming weeks. It is therefore envisaged that the elections will be delivered within the overall financial envelope available.

### **Other Implications**

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

### **Recommendations**

34. Executive is invited to note the report.

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**Report  
Approved**

**Date** 7/3/23

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**All**

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