



Department for Levelling Up,
Housing & Communities

GOVERNMENT RESPONSE TO ELECTORAL COMMISSION REPORT ON MAY ELECTIONS

The UK Government's response to the report of the Electoral Commission on the local elections in England, held on 4 May 2023.

Foreword

I am pleased to publish the Government's response to the Electoral Commission's report on the May 2023 local elections. As ever, my Ministerial colleagues and I are very grateful to Returning Officers, Electoral Registration Officers and their electoral services teams for their ongoing dedication in delivering the polls which underpin our democracy. This includes their efforts in ensuring smooth delivery of the new voter identification requirements and enhanced support for disabled voters. It is of vital importance that all eligible electors continue to be able to have their say, and we are equally grateful to all involved for efforts to raise awareness of the new requirements and ensure their smooth implementation in practice.

In parallel to this response, the Government has published the first evaluation report of the Elections Act 2022 and its implementation. To provide a full picture of the impact and implementation of the voter identification and accessibility measures, the independent evaluation by IFF Research draws on data collected in polling stations (also published in the Electoral Commission's report), a nationally representative public opinion survey, surveys with the electoral sector and qualitative research. Further evaluation will follow, as work continues to roll these changes out across the whole of the UK and as further measures legislated for in the Act are delivered. Once implemented, the Elections Act will support the integrity and accessibility of our electoral system now and into the future. We are committed to continuing to work closely with the Electoral Commission, electoral administrators and other key partners as we introduce these important reforms.

Simon Hoare MP

Introduction

The Government is grateful to the Electoral Commission for its report on the May 2023 local elections in England, which were the first elections in Great Britain held with photographic identification requirements in Great Britain for voters in polling stations, and with enhanced support and equipment to enable or make it easier for disabled people to vote in polling stations, as introduced by the Elections Act 2022.

We are pleased that the Electoral Commission's report found the polls in May were well run, and that evidence indicates consistently high levels of public satisfaction with registration – 77% of people in England reporting being satisfied with the process of registering to vote - and on the voting processes – 90% of voters being satisfied.

We are pleased to note the Commission's finding that 99.75% of voters in polling stations were able to cast successfully their vote under the new voter identification regulations. Additionally, awareness of the need to bring identification to vote at a polling station was high, with the Commission's research showing 92% of the public in areas where polls were held in May were aware of the need to bring identification to vote at a polling station.

We also recognise the steps taken by Returning Officers following the increase in flexibility as to what support and equipment is made available at polling stations to enable or make it easier for disabled people to vote. Success in this area relies on Returning Officers' commitment to proactively supporting those with disabilities, and we are particularly grateful for their work in this area.

While the Government is pleased with these and other positive findings in the report, we also recognise that there is always room to learn, building on solid foundations to strive consistently to improve registration and voting processes and experiences for electors and administrators alike. We have therefore considered the Electoral Commission's analysis and conclusions, and this response seeks to address each of the Commission's recommendations in turn. Where possible, we have grouped recommendations, in order that similar themes are discussed together.

Supporting disabled voters

Recommendation 1: Increase awareness of the support available for disabled voters

There is some evidence that levels of awareness of the support and equipment available, especially in polling stations, is still lower than it could be. This includes awareness of both the new accessibility measures and the existing provisions that are available (such as the possibility of asking a companion or polling station staff for help with voting).

We will continue to work with the electoral community, national and local civil society organisations, and the media to raise awareness of the support that is available for

disabled voters. We will also work with them to further develop our voter information resources for disabled voters.

This work should include pro-actively ensuring voters are aware of the support and assistance that is available to help them vote, and how they can make a request for additional equipment or support – whether in advance of the election or on polling day.

We are pleased with the improved provision of support and equipment for disabled voters in polling stations, and note that IFF's evaluation found that by March 2023, nearly all electoral administrators (99% of respondents to the survey) in England holding local elections in May felt they were prepared to implement the measures. Both the qualitative and quantitative data gathered as part of the evaluation indicated sufficient provisions were made to enable disabled electors to vote.

The opportunity for those who are disabled to participate physically in our democracy is important and while we are pleased with the delivery of improved support for disabled voters in polling stations, the Government notes that this provision will have maximum positive benefit if electors are aware of what is available and how to make use of it. We therefore remain committed to continuing to work with the Electoral Commission, disabled peoples' organisations, disability charities and Returning Officers to consider the best levers to increase awareness amongst disabled people of the new support and assistance available to them. This is in conjunction with our continued work with other stakeholders such as the Association of Electoral Administrators on matters such as supporting training for polling station staff around the accessibility support.

The Government's Accessibility of Elections Working Group is a useful forum for raising awareness amongst disability groups about all the reforms enacted by the Elections Act 2022, including the enhanced support for disabled voters. This Group allows the Government to facilitate discussions around policy changes, sharing best practice between groups and jointly considering approaches to raising awareness with the groups and the people they represent. In the coming months, the Group will serve as a forum for discussion of successful approaches to awareness raising with disabled voters ahead of the May 23 elections, thereby facilitating and realising ideas for how both disability groups, local authorities, the Electoral Commission and the Government can maximise reach and impact through future communications and engagement with disabled electors. The Government is committed to ensuring all members of the Group derive maximum benefit from membership and the opportunity to collaborate and network with one another, with the Government and with key electoral sector stakeholders.

Voter identification

Accepted identifications

Recommendation 2: Review the list of accepted ID

The UK Government should review the current list of accepted forms of ID to identify any additional documents that could be included to improve accessibility for voters.

This should focus on forms of ID that would support people who are least likely to have documents on the current list, including disabled people and those who are unemployed.

Any changes to the list of accepted forms of ID should be confirmed in legislation in time for details to be included in public awareness materials and activities, and in guidance for polling station staff ahead of polling day.

The Government has always been clear that the list of accepted identifications needs to strike the right balance between security and accessibility. It also needs to be manageable by staff in polling stations. This is the balance we aimed to achieve with the current list of 22 identification documents.

Following the local elections in May, the Government undertook a review of the list of accepted forms of identification, with the intention of identifying and exploring any further possible additions. Our latest research indicates that the groups with the highest proportions of people without an accepted form of photographic identification were those not registered to vote (10%), those with a disability which prevents them from voting in person (10%), council renters (8%), those who rarely or never vote (7%) and those with a disability which limits their activities 'a lot' (6%).

We conducted research on a number of potential additional identification documents that were highlighted as ideas through qualitative research as part of our evaluation, as well as others previously considered or piloted, including National Rail Cards, additional types of Oyster Card and Police Warrant Cards.

From these considerations, the Government has been unable to identify any additions that would succeed in significantly increasing coverage, in the groups identified and more generally.

The key challenge is the diminishing return of including additional documents on the list. Research by the Government and the Electoral Commission has shown consistently that the vast majority of the electorate (96%) hold a form of photographic identification that is on the existing list. As such it is likely that a similar percentage of the holders of any potential additional document will already also hold another document that is on the current list and therefore already accepted – as such the addition would not be able to significantly increase coverage.

Many of the forms of photographic identification considered during our review would also risk undermining the security element of the policy, as their application process is not sufficiently robust. We therefore do not believe at present there is a sufficient merit to electors in adding more existing documents to the list and so we will not be seeking to make any changes to the legislation in the foreseeable future. The

Government remains committed to reviewing regularly the list, and if suitable additions are found we will legislate accordingly.

It is the Government's view that the Voter Authority Certificate has the significant role to play in ensuring the accessibility of this policy for electors. Indeed, the Voter Authority Certificate was created deliberately to support electors who may not have access to another form of accepted identification, either temporarily or over the longer term. The evidence in the IFF Evaluation report shows that while awareness of the Voter Authority Certificate has increased, awareness remains low across all groups, including those without accepted identification (awareness of the Voter Authority Certificate was 21% among voting age adults in May, 26% among those with no accepted photographic identification). Continuing to improve this awareness by close working between Government, the Electoral Commission, civil society organisations and local authorities to target Voter Authority Certificate communications at those electors who may benefit most is a high priority.

There are also other aspects of the voter identification policy for which we believe awareness could be improved – for example, the fact that there are a number of documents targeted at young people already included on the list of accepted documents, such as those under the umbrella of Proof of Age Standards Scheme (PASS) cards, and that expired documents can still be accepted so long as the photograph remains a good likeness.

Voter Authority Certificates

Recommendation 3: Improve access to the Voter Authority Certificate for voters

The UK Government should explore whether the deadline for Voter Authority Certificate applications could be moved closer to polling day, to extend its availability for voters who do not have any other form of accepted ID.

The current deadline of six working days before polling day is significantly earlier than the Government's original policy intention – as set out in a policy paper published during the passage of the Elections Bill – which was for the deadline to be the day before polling day.

Electoral Registration Officers and their staff must still be able to process applications and issue Voter Authority Certificates to voters in time for them to be able to vote, alongside other essential duties taking place in the days before polling day. Any potential changes to application deadlines must therefore take into account the operational impact and workability of a later deadline, also recognising the level of dependency on printers and postal services to deliver Certificates to voters.

We worked with stakeholders and the electoral sector over many months to identify the most appropriate deadline for when electors can apply for a Voter Authority Certificate. It is right, as the Electoral Commission's report acknowledges, that there

is a deadline for applying to enable Electoral Registration Officers to process requests ahead of elections and to allow enough time to ensure Certificates can arrive with voters by polling day.

The Government remain determined to make sure all eligible electors continue to be able to vote, and when developing the regulations we were committed to making the deadline as close to polling day as possible to maximise accessibility. However, the Government is also mindful of the impacts on electoral administrators during this busy period in the lead up to elections, as well as other pressures or emergencies that could apply to deadlines.

The deadline of six working days ahead of a poll continues to provide the most accessibility for electors while ensuring local authorities can process applications and Certificates can be printed and delivered to electors in time for polling day. The Government has no plans to change this deadline at present.

The Government also considered, when developing the regulations, what additional measures may be needed to ensure electors are not disenfranchised through misfortune such as a lost or stolen identification document. The rules around emergency proxies were therefore amended as part of the voter identification regulations to add reasons related to voter identification on to the list of justifications for an emergency proxy application. If, therefore, an elector loses their identification, or if it is stolen, destroyed or damaged beyond use, after the deadline for applications for a Voter Authority Certificate, the ERO has the ability (up until the close of polls) to allow the appointment of an emergency proxy for that polling day. As with existing emergency proxy rules, the elector must apply for an emergency proxy before 5pm on polling day (or one hour before closing for recall petitions).

Recommendation 4: Provide options for voters who do not have, or cannot access, any form of accepted ID

The UK Government should enable registered voters who do have accepted ID to make an attestation at their polling station on behalf of someone who does not have any form of accepted ID (also referred to as ‘vouching’).

The voter ID requirement currently assumes that people either have an accepted form of ID or are sufficiently motivated to apply for a Voter Authority Certificate by the deadline. This means that voting is effectively not accessible for anyone without ID who misses the application deadline or only decides they want to vote on polling day (or close to polling day).

In the limited and exceptional circumstances where a voter does not have access to any other form of accepted ID, allowing attestation would still provide a safeguard by requiring a formal link to a named elector who has had their own identity verified. Attestations are already a legitimate option for verifying identity in other parts of the electoral process, for example in applications to register to vote and applications for Voter Authority Certificates.

The Government is not supportive of the use of the form of attestation in polling stations known as vouching. Our position is that it would undermine the aim of the voter identification policy - to prevent impersonation – and therefore would not be appropriate. We do not believe there is a practical way to assure the attestation process in the polling station, that it would undermine the integrity of the check, and risk adding time and complexity to the polling station process both to those running it, and to those using it.

The Government believes that the availability of the Voter Authority Certificate and the new rules regarding the use of an emergency proxy on grounds relating to voter identification provide sufficient options for electors who are unable to provide an accepted form of photographic identification.

Data collection in polling stations

Recommendation 5: Polling station staff should continue to collect data on the impact of voter ID at future elections

Analysing data from the first scheduled elections where this requirement has been in place has helped to develop an understanding of the impact of the requirement and can now be used to help improve the experience of voters and polling station staff at future polls. There is no legal duty or explicit power for Returning Officers to report data for future elections until the next UK Parliamentary general election, which must be held by January 2025.

It would be a significant missed opportunity to learn and identify further improvements if Returning Officers did not collect and report data at the scheduled May 2024 elections, which will cover all areas of England and Wales.

The UK Government should ensure that Returning Officers are able to collect and report monitoring data on the impact of voter ID at future elections, including specifically at the scheduled May 2024 elections and at any UK Parliament by-elections held during 2023 and 2024.

Recommendation 6: The electoral community should work to improve the collection of data at polling stations for future elections

Accurate data recording and reporting is essential to ensure there is a clear and reliable picture of the impact of the policy. This is needed to support informed debate and help identify areas for improvement.

However, initial feedback from Returning Officers, polling station staff and observers suggests that some polling station staff found it difficult to record this additional data.

We will work with the UK Government, Returning Officers, and electoral administrators to review the data collection forms and guidance for polling station staff, so they are clear and user-friendly.

We will also work with local authorities and their training providers to make sure the ballot paper issuing procedure and data recording processes are fully explained to polling station staff. This should include guidance for polling station staff on the appropriate role of greeters and tellers.

The voter identification legislation ensured monitoring data was collected in polling stations at the local elections held in May 2023 for the first rollout of the voter identification requirements. The legislation also requires monitoring data to be collected at the next two UK Parliamentary general elections. The rationale behind this was to strike a balance of proportionality. The collection of data is vital in allowing robust and reliable evaluation of the impact and delivery of the measures. However, the Government received feedback from the electoral sector during development of the legislation that data collection in polling stations would increase the burden on local authorities to deliver the voter identification requirements.

The Government therefore support the Commission's view that ongoing data collection at future polls would be beneficial but takes the position that this should remain at the discretion of the Returning Officer, where they deem it appropriate and manageable to do so. We will therefore work with the Electoral Commission and the electoral sector to identify the best means of ensuring that robust data is collected in polling stations at future polls, beyond what is required by the voter identification legislation.

The Government is already working with the Electoral Commission to refine the process of data collection to ensure its clarity and efficiency for polling station staff, and will seek feedback from the sector to ensure that improvements can be made for future elections.

Trust and confidence in the democratic system

Recommendation 7: The electoral community should take action to protect voter trust and confidence in the democratic system

Candidates and campaigners should be able to participate freely in the democratic process, ensuring that voters can hear from a range of voices and have confidence in our elections. However, abuse and intimidation continue to persist.

Tackling these problems will require coordinated action from a range of partners across the electoral community, including political parties and campaigners themselves as well as police forces and prosecuting authorities.

Campaigners should recognise the impact their choices have on how the public views our democratic system. They should actively discourage the use of inflammatory language and emphasise the importance of respect and constructive engagement with opposing viewpoints. Political parties should consider reviewing their membership criteria to include a clause explicitly emphasising respect for other campaigners and fostering a healthy political debate. The police and prosecutors

must continue to treat allegations and cases of election-related intimidation seriously and demonstrate that those committing offences against candidates and campaigners will face significant sanctions.

We will continue to work with parties, campaigners, the police and prosecutors, and the wider electoral community to understand what is driving this intimidatory behaviour and collectively develop effective responses to ensure that campaigners can get their messages across to voters openly and directly without fear of intimidation.

The Government agree that it is vital to protect voter trust and confidence in the democratic system. To assist candidates and campaigners in participating freely in the democratic process, without fear of intimidation, the Government introduced a new five-year disqualification from holding or standing for an elected office where acts of intimidation have been committed. These new regulations came into force on 1 November 2023, and the disqualification applies where a person is convicted of an existing criminal offence of an intimidatory nature and where the offender was motivated by hostility towards a candidate, future candidate, substitute or nominee, campaigner or elected officeholder. The relevant offences are listed in Schedule 9 of the Elections Act 2022 and the list includes malicious communication offences such as sending communications with intent of causing distress or anxiety.

Transparency also contributes to giving voters confidence in the electoral framework. People want to engage with politics online. Having an active online presence is crucial for political parties and campaigners to connect with the public and get their message heard. However, regulation had not kept pace with the exponential growth in digital political campaigning. As a result, voters did not always know who is promoting material and on whose behalf online. This is why the Government introduced the new digital imprint regime via the Elections Act 2022. By requiring campaigners to add an imprint to a large range of digital campaigning material, the regime will empower voters to make informed decisions about the material they see online, all year round, UK wide, and regardless of where in the world content is promoted from.

We have also taken action to protect our democratic processes from the risk of foreign interference. The Foreign Interference Scheme introduced in the National Security Bill increases transparency around candidate and campaigner links to foreign nationals. It tackles covert influence in the UK and strengthens the integrity of our politics and institutions. In addition, the Online Safety Act requires companies to take proactive action against a range of state-sponsored misinformation and disinformation campaigns and online interference aimed at interfering with our society and undermining our democratic, political and legal process, for example, digitally manipulated content aimed at interfering with our elections.

Digital services

Recommendation 8: Ensure centrally provided digital systems are operational and updated in good time ahead of scheduled polls

The UK Government should improve the operation and functionality of the central digital portal for processing Voter Authority Certificate applications, to better support Electoral Registration Officers dealing with applications particularly during the period close to polling day.

Administrators should be able to rely on a fully functional ERO portal especially in the immediate run-up to an election, when there is likely to be a peak in Voter Authority Certificate applications. Updates should not be released during the live election timetable for future sets of polls, to minimise disruption for EROs.

The UK Government should also ensure that any further digital infrastructure required to support new policy changes – in particular the new online absent vote application process – is available and fully operational in good time ahead of changes coming into force, to allow Electoral Registration Officers and Returning Officers to not only meet their legal duties but also provide the level of customer service that voters deserve.

The Government is following the agile approach to building and running the new digital services which support delivery of the Elections Act. This approach allows the services to be built quickly, tested and to evolve based on data and regular feedback from users – including the public and electoral administrators. This allows the services to respond quickly when changes are needed, and ensures the needs of the user are being considered at every stage.

This approach means that the Voter Authority Certificate digital service when it launched on 16 January 2023 was not the finished product. It was however fully functional and allowed Electoral Registration Officers to meet their statutory duties. Updates to the service in the weeks and months following launch improved the efficiency and user experience for administrators on a continuous basis. Enhancements to the service have and will continue to be made.

We note the Commission's recommendation regarding pausing on releases to the ERO Portal during the pre-election period and will endeavour to minimise disruption for EROs while ensuring optimal functionality of the service.

On 31 October 2023, the Government launched the online absent vote application service, with the new postal and proxy application processing services in the ERO Portal ensuring that EROs are able to meet their statutory duties as set out in the legislation. The Government is committed to further updating the postal and proxy digital services to enhance user experience, and we continue to develop a range of additional functionality to support EROs and maximise efficiency. We have and continue to work closely with EROs to understand their needs and to test additional and improved functionality.

Elections Act delivery

Recommendation 9: Ensure that dependencies and delivery risks are carefully managed for future changes to elections

Further significant electoral administration changes are expected to be implemented ahead of elections in 2024, in addition to the new voter ID and accessibility policies that have been delivered for the first time this year.

To ensure they can continue to deliver well-run elections that meet voters' expectations, electoral administrators need to be confident that they will have sufficient time and capacity and fully functioning operational resources to support them.

Before making any final decisions about implementing the remaining Elections Act changes, the UK Government must carefully consider whether the necessary time and resources are, or will be, available. Any decisions must be informed by a robust analysis of available data and evidence about realistic levels of preparedness, particularly given the complex range of changes that must be delivered and the interdependencies between them.

The UK Government should publish its assessment of the evidence and the risks to successful delivery of the next set of Elections Act changes, and set out its proposals for mitigating those risks. This assessment should be available to Parliament and the wider electoral administration community so that it can be considered alongside draft legislation bringing these changes into effect.

The Elections Act introduces an extensive programme of modernisation which brings multiple reforms and new activities for the electoral sector, in addition to their 'business-as-usual' activities. The Government recognise this, and to ensure the sector can absorb these changes, and take a sequenced approach to implementation.

The Government has been clear on its aim to deliver all the measures within the Act during the lifetime of this Parliament. The priority remains to implement these policies properly and with sufficient time for both electors and the electoral sector to understand and implement the new requirements.

As a Tier A Major Government Project, the Electoral Integrity Programme – responsible for the implementation of the Elections Act - is reviewed formally by the Infrastructure and Projects Authority (the government's centre of expertise for infrastructure and major projects which supports the successful delivery of all types of major project including IT and major transformations programmes). This reflects the complexity and importance of the changes being made and the challenges of implementing these changes in the context of a no-fail public service, which is what the Government considers elections and electoral registration to be. The Infrastructure and Projects Authority Review is published annually.

In addition to this, the digital services being developed to support delivery of some of the measures – including the Voter Authority Certificate application service – undergo independent assessments to ensure accessibility and usability of the service, including by the Central Digital and Data Office (CDDO).

Feedback from the electoral sector and from key stakeholders in the sector – including the Electoral Commission - informs the management of the Programme, its planning, understanding of dependencies, and the management and mitigation of risk.

Conclusion

The Government appreciate the views and recommendations of the Electoral Commission on the administration of the 4 May 2023 polls, and the introduction of the Elections Act. Their work continues to support the Government in reviewing the effectiveness of existing electoral provisions and in reviewing the implementation of new provisions and processes, determining where improvements can be made.

We look forward to working with our partners, as we continue to roll out the changes from the Elections Act, ensuring we support a democracy that works for all. In broad terms, the Government is pleased by all of the early indications from May.