

Committee(s): Policy & Resources Committee	Dated:
Subject: Elections Bill 2021	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	N/A
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	£-
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Remembrancer	For Information
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Summary

The Elections Bill proposes changes to electoral administration. If enacted, the Bill would:

- remove the time limit on British overseas voters' eligibility to vote
- change the eligibility of EU citizens arriving after 31 December 2020 to vote
- bring digital material within the requirement to indicate which entity or person has produced the material
- introduce voter ID
- require postal voters to re-apply every 3 years
- tighten up the rules on intimidation and undue influence

Recommendations

- to note this report, and that a further report will be provided after committee stage in the House of Lords

Main Report

Background

1. Many of the Bill's measures arise from the Conservative Party manifesto 2019, including voter ID, tightening the rules on postal voting, ending the 15-year limit on British citizens living overseas being able to vote in UK parliamentary elections, and strengthening electoral offences. The Bill's other proposals reflect separate policy commitments.
2. Politicians and civil society groups have criticised the Bill for failing to rationalise and codify electoral law. In 2020 the Law Commission published a scathing report on electoral law, which described the current arrangements as complex, voluminous, fragmented and of "labyrinthine complexity".
3. As indicated in the narrative below, there are aspects of interest to the City.

Political Background

4. On 7 September 2021, the Minister for the Constitution and Devolution, Chloe Smith, introduced the Bill and described it as intended to "stamp out the potential for voter fraud" and improve the "integrity" of elections. She said clear evidence of the need to take action could be seen in the "2014 election scandal in Tower Hamlets, where the mayoral contest was declared void due to corrupt and illegal practices".
5. For Labour, Cat Smith described the Bill as a "huge missed opportunity to modernise our electoral law". She called for elections to be held on public holidays or at the weekend. Debate focused, almost to the exclusion of all other points, on proposals to introduce voter ID. Labour and Lib Dem MPs claimed the measure would make it harder to participate in elections and characterised voter ID as a "threat" to democracy. Joanna Cherry (SNP) and Former Brexit Secretary David Davies criticised attacked the ID proposals as they might, according to Davies, adversely affect "those with disabilities, the unemployed, people without qualifications, people who had never voted before and ethnic minorities are all less likely to hold any form of ID". Others on the Conservative benches took the contrary view and pointed to the conclusions of the Organisation for Security and Co-operation in

Europe that the UK could not have definite security in its elections without photo ID.

6. The minister said the Bill “moves to a more reciprocal model” in relation to the eligibility of EU citizens so that those resident prior to Exit will retain their voting and candidacy rights. That went beyond the UK’s obligations under the withdrawal agreement, she insisted. For EU citizens who moved to the UK after Exit, local voting and candidacy rights will be granted on the basis of bilateral agreements.

British citizens living overseas

7. Since 1985 British citizens permanently resident overseas have been eligible to vote in parliamentary elections. The period in which voters are so eligible has changed over time, originally fixed at 5 years, rising to 20 years before reducing to the current 15-year limit in 2000. As a result, currently British citizens who have lived overseas for more than 15 years are unable to register to become an overseas voter.
8. For some years, Conservative manifestos have included a commitment to introduce so-called ‘votes for life’ for this group of voters. The Bill removes the 15-year limit and also removes the requirement to have been previously registered in the UK so that, in the future, any British citizen living abroad will be entitled to register at the last place they were resident or registered in the UK.

EU citizens living in the UK

9. To reflect reciprocal voting rights across the EU and in a post-Brexit move, the Bill proposes to alter the rights of EU citizens’ right to vote in local elections in England and Northern Ireland.
10. EU citizens who arrived in the UK before 31 December 2020 and who have lawful status, including settled status, will continue to be eligible to vote. EU citizens coming to live in the UK after 31 December 2020 will be able to vote in the UK if reciprocal voting rights exist with that person’s home country. Currently Spain, Portugal, Poland and Luxembourg have agreed reciprocal voting treaties.

11. City elections are not currently included in the proposal but government amendments will be brought forward to amend the legislation covering the City to align it with the national requirements as described above.

Digital imprints on campaign material

12. This measure is intended to address concerns that online political adverts, often on social media, do not provide information about the source of funding. Under current rules, only printed campaign material requires an 'imprint' that tells potential voters about who produced the material.
13. The Bill would extend imprints to digital campaign material, thus enabling voters to identify the entity that has produced the material. It is expected that the imprint would be fixed on the original material and so people sharing it online would not normally need to take any additional steps.

Voter ID

14. When the proposals are enacted, voters will be required to show an approved form of photographic identification before collecting their ballot paper to vote at a polling station for UK parliamentary elections in Great Britain. The provisions could be extended to local elections at some future point.
15. It is anticipated that a large range of ID documents will be permitted - passports, driving licences, various concessionary travel passes and photocard parking permits issued as part of the Blue Badge scheme are examples of permitted documents. Voters without any such ID will be entitled to a free 'voter card' from their local authority.
16. The Electoral Commission found pilot schemes (run as experiments in five local authorities in 2018 and ten in 2019) had been well run with good levels of public awareness. The Commission found, however, that voters who were turned away for having incorrect ID tended not to return to the polling station.

Postal 'absent' voting

17. Modest changes are proposed to postal voting arrangements. The present regime for postal voting on demand was introduced in 2001 and means that a voter may choose to vote by post indefinitely but must update their signature - one of the personal identifiers required to vote by post - every five years. The Bill proposes that long-term postal voters will be required to re-apply every three years. City ward elections are within the ambit of these provisions.
18. At present, non-statutory Electoral Commission guidance permits campaigners to encourage voters to register to vote and apply for absent ballots. Currently there is no legal restriction on campaigners or party workers handling the postal ballot of another elector. Arising from Lord Pickles' report following extensive voting fraud in Tower Hamlets, the Bill would ban campaigners and political activists from handling completed postal votes and postal vote envelopes.

Miscellaneous matters

19. The measures require Disability Access at polling stations to form part of Electoral Commission guidance for Returning Officers.
20. In the future, prosecutions in relation to electoral matters will be conducted by the CPS, not the Electoral Commission.
21. Under arrangements introduced in 2000, the Commission is answerable to Parliament through the Speaker's Committee. The Bill proposes to expand parliamentary scrutiny by giving the Government the power to set the Commission's strategic priorities. In addition, the Bill changes the powers of the Speaker's Committee so that it may scrutinise the Commission's compliance with strategic priorities set by Parliament.
22. There is no direct offence in electoral law of intimidating a candidate or campaigner. The measures respond to the findings of the inquiry into voter fraud found in the London Borough of Tower Hamlets and relate to parliamentary elections and local elections outside of the City. The Bill makes clear that penalties for intimidation of a candidate or future

candidate will result in a five-year disqualification from standing for, being elected to and holding elective office.

23. In response to a view expressed by the Electoral Commission that 'undue influence' of voters is poorly expressed in legislation, there has been wide-spread agreement across the parties and from civil society organisations that offences need to be re-framed. The Bill therefore proposes that intimidation inside or outside a polling station would be included within the offence of undue influence.

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