

EXPLANATORY MEMORANDUM TO

THE VOTER IDENTIFICATION (PRINCIPAL AREA, PARISH AND GREATER LONDON AUTHORITY ELECTIONS) (AMENDMENT) RULES 2022

2022 No. 1397

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Levelling up, Housing, and Communities and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

- 2.1 These Rules implement the voter identification measures set out in the Elections Act 2022. In particular, the Rules make changes to polling station conduct rules for certain elections in England to implement the requirement to show photographic identification.

3. Matters of special interest to Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The extent of this instrument is England and Wales.
4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure no statement is required.

6. Legislative Context

- 6.1 These Rules are one of four statutory instruments (following the Elections Act 2022 (Commencement No. 2) Regulations 2022 (S.I. 2022/916), the Voter Identification Regulations 2022 (S.I. 2022/1382), and the Elections Act 2022 (Commencement No. 6 and Savings) Regulations 2022) that implement the voter identification measures of the Elections Act 2022 (set out in section 1 of, and Schedule 1 to, that Act).
- 6.2 These measures in the Elections Act 2022 aim to prevent electoral fraud and increase public confidence in the electoral system.
- 6.3 The measures, as a whole, provide for new forms of photographic identification created specifically for voting – Voter Authority Certificates and Anonymous Elector’s Documents – which can be obtained free of charge from electoral registration officers (‘EROs’) where a voter does not otherwise have access to a specified form of photographic identification. The details and processes surrounding these documents are not outlined in these Rules but can be found in the Voter Identification Regulations 2022.
- 6.4 The measures, as a whole, also introduce the requirement for voters to present photographic identification (from a list of specified documents) in order to vote in

person at a polling station in a range of elections and referendums. These Rules implement these changes for a number of those election types as follows:

- 6.5 Part 2 of these Rules provides for the amendment of the Local Elections (Principal Areas) (England and Wales) Rules 2006 in order to apply voter identification requirements for principal area local elections in England.
- 6.6 Part 3 of these Rules provides for amendment of the Local Elections (Parish and Communities) (England and Wales) Rules 2006 in order to apply voter identification requirements at parish elections in England.
- 6.7 Part 4 of these Rules provides for the amendment of the Greater London Authority Elections Rules 2007 in order to implement voter identification requirements at Greater London Authority elections (both Mayoral and Assembly).
- 6.8 Schedule 1, 2 and 3 to these Rules provides a range of forms to be used for principal area elections, parish and Greater London Authority elections whether at a standalone poll or where the poll is combined with the poll at another election or referendum.

7. Policy background

What is being done and why?

- 7.1 In August 2016, Lord Pickles published his report– Securing the Ballot¹. The report set out 50 recommendations for improving the electoral system. Amongst them were recommendations to introduce a requirement for voters to show identification before voting. Similar systems exist in democracies across the world, and currently are in effect in Northern Ireland.
- 7.2 A number of other organisations have also called for a voter identification system to be implemented – such as the Electoral Commission and the Organisation for Security and Co-operation in Europe.
- 7.3 The Government’s 2019 manifesto committed to “**protect the integrity of our democracy, by introducing identification to vote** at polling stations...”.
- 7.4 The Elections Act 2022 sets out a wide range of changes to the electoral system. One of these measures is the new requirement for voters to present photographic identification (from a specified list of documents) in order to vote in person at the polling station – this will fulfil the Government’s manifesto commitment.
- 7.5 The primary intention is that this will prevent the crime of personation (whereby an individual attempts to impersonate another in order to cast their vote illegally) from occurring at the polling station, protecting the electorate’s votes from being stolen. This additional protection also aims to improve the public’s confidence in the democratic system.
- 7.6 The new requirement for photographic identification will replace the current outdated system of verifying voters’ identities. At present, a voter simply needs to give their name and address and they will be issued a ballot. This is information which could easily be obtained by another individual. The existing security feature – whereby polling station staff will call out the name of the voter, to allow for bystanders to object if they are not who they say they are – is no longer viable, and indeed is often not carried out by polling station staff.

¹ <https://www.gov.uk/government/publications/securing-the-ballot-review-into-electoral-fraud>

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

9.1 No consolidation will arise from this SI.

10. Consultation outcome

10.1 Significant consultation has been carried out with a range of stakeholders in the electoral sector, and this has extensively shaped the drafting of these Rules and the Voter Identification Regulations 2022 (which implement similar conduct rule changes for different election types).

10.2 Stakeholders include organisations such as the Electoral Commission, the Association of Electoral Administrators and the Society of Local Authority Chief Executives, a range of individual returning officers, electoral registration officers and electoral administrators, civil society organisations and charities, and the devolved administrations.

10.3 The Department has, as required by law, formally consulted the Electoral Commission on these Rules. They have raised no additional points on top of the feedback they had already provided to our consultation on the Voter Identification Regulations 2022. The drafting of these Rules had already taken into account that feedback prior to the consultation.

11. Guidance

11.1 Guidance on the conduct of elections is a matter for the Electoral Commission, as the independent regulator. The Electoral Commission is still in the process of drafting their guidance on voter identification for electoral administrators and polling station staff and will publish this in January 2023.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 An impact assessment is not required for this regulation.

12.3 An Impact Assessment covering the voter identification measures as a whole, including those measures in this SI, was published alongside the Voter Identification Regulations 2022 and is available on the legislation.gov.uk website.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The monitoring of this legislation will be conducted as part of monitoring the wider Elections Act 2022. In accordance with section 62 of the Elections Act 2022, the Secretary of State must prepare and publish a report on the operation of the Elections Act 2022, as well as lay a copy of the report before Parliament, between 4 and 5 years after the day on which the Elections Act 2022 was passed. The Government maintains extensive relationships with the electoral sector and will be able to receive feedback

from electoral administrators. In addition, the Electoral Commission will be able to provide analysis.

- 14.2 Additionally, as described above in the ‘legislative context’ section, there are separate monitoring and reporting requirements that are specifically related to voter identification. These Rules itself sets out data collection measures – on data that must be collected at the polling station to support Government analysis of the impact of these measures. This will feed into the reports that the Secretary of State is required to publish on the effect of the voter identification requirements – as set out under section 59A of the Representation of the People Act 1983.

15. Contact

- 15.1 Guy Daws at the Department for Levelling Up, Housing, and Communities
Telephone: 0303 444 0439 or email: guy.daws@levellingup.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Becca Crosier, Deputy Director for Elections, at the Department for Levelling Up, Housing, and Communities can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Lee Rowley, Parliamentary Under Secretary of State at the Department for Levelling Up, Housing, and Communities can confirm that this Explanatory Memorandum meets the required standard.