



Department for Levelling Up, Housing & Communities

William Wragg MP
Chair, Public Administration and
Constitutional Affairs Committee
House of Commons
London
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Paul Scully MP

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30 August 2022

Dear William

Thank you for your letter of 19 July regarding implementation of the Elections Act 2022.

Our Elections Act is a key piece of legislation delivering on the Government's commitment to the integrity of our democracy and helps ensure that our elections remain secure, fair, transparent and up to date. I would like to thank you and the Committee for your ongoing scrutiny of the Government's plans for implementation of the provisions in the Act.

My officials have been working closely with stakeholders in the elections sector in preparing for implementation, including with the Association of Electoral Administrators (AEA), and I know that Kemi Badenoch MP, in her role as Minister of State for the Department for Levelling Up, Housing and Communities, discussed these matters with stakeholders at a roundtable following Royal Assent of the Act. I acknowledge the views expressed by the AEA, which you highlight in your letter; we take their views very seriously.

In order to provide the committee with further assurances on the Government's intentions for implementation of the voter identification policy, I have set out more details on our plans in this response. I hope this information goes some way to addressing your points. I have written to the AEA separately in response to their letter.

Timeline for implementation

During parliamentary passage of the Elections Act, the Government set out our expectation that all measures in the Act will be implemented during the lifetime of this Parliament. We have also been clear that it is our plan that voter identification will be in place for polls scheduled to be held in May 2023, and we continue to work towards this delivery date. As you have indicated, a specific advantage of following this timeline is that the provisions are therefore not being introduced at a time when polls are taking place across the entirety of the UK, and so there is an opportunity to learn how the

new requirements are best implemented ahead of a time when both delivery and support resources are at full stretch.

In addition to this, the Government understands that the Elections Act is an extensive programme of modernisation which brings multiple reforms and new activities for the electoral sector. These will need to be implemented alongside business-as-usual activities and, given the 'no-fail' nature of this vital service, careful planning and consideration is necessary. The Government's intention has always therefore been to implement the changes arising from the Act in stages, ensuring the continued successful delivery of elections alongside the implementation of new measures. The decision to continue with the implementation of voter identification for the May 2023 polls responds to this, allowing the sector to turn their focus to further changes due to be implemented later in 2023 and ahead of elections scheduled for 2024.

There are a number of key steps that must be completed for the policy to be implemented to this timeline. The Government is making excellent progress with the drafting and making of secondary legislation, and a digital project is underway to develop and provide new digital services to make these changes accessible for electors and ensure quick administration for the sector. The Electoral Commission has a critical responsibility to provide guidance for Electoral Registration Officers and Returning Officers, which informs training of electoral staff and ensures smooth running of elections. The Government is committed to supporting the Commission and the wider sector in their responsibilities.

Provisions are in place to complete these steps and the voter identification statutory instruments are now expected to be made by mid-January 2023. This milestone reflects the need for complex policy and legal drafting, ensuring adequate testing of the digital solutions, and continued engagement and preparation with the electoral sector to ensure they are ready for implementation as they move into the more intense process of preparations for polling day around the start of the year.

The Government is committed to continuing to work closely with the Commission and with other stakeholders to share information and drafts of secondary legislation for consultation at as early a time as possible, and I met with John Pullinger from the Commission recently for a constructive discussion on how the Government can support the Commission with delivery.

As you highlight in your letter, the AEA has expressed that they do not believe it possible for the sector to deliver photographic voter identification as well as changes to the postal vote handling rules for polls in May 2023. Elections are a no-fail public service, and our priority is ensuring that the sector can continue to deliver elections robustly and securely as they implement these changes. We have therefore examined the overall delivery timeline for the Programme to determine whether there is any flexibility that would ensure successful implementation of all of the changes. A consequent decision has been taken to adjust the timing of changes to postal vote handling rules to later in 2023, to minimise the number of additional reforms for May 2023 while continuing to maintain our principle of sequenced implementation.

The Government remains committed to implementing all of the measures in the Elections Act, including the changes for overseas electors, and officials continue to

work to deliver the secondary legislation for all of the measures. I am pleased to assure the Committee that the Government remains on track to implement the other measures in line with our phased timetable for delivery. Having said this, the implementation of voter identification remains our priority ahead of May 2023 and, as evidenced by the decision to move implementation of postal vote handling changes to later in the timeline, we will ensure local authorities have the appropriate resources and support to deliver. Our Electoral Integrity Programme continues to work closely with delivery partners and stakeholders to support them with their roles in implementation for all the measures.

The electoral identity document application service

One significant aspect for successful delivery of the voter identification policy will be the provision of electoral identity documents by EROs, ensuring that all eligible electors continue to have the opportunity to vote in person at a polling station should they wish to do so. To support EROs with this new requirement, the Government's Electoral Integrity Programme is running a digital project to explore the most appropriate application system for electoral identity documents, and for their processing, determination and delivery to electors who need them. The Programme has been working closely with sector stakeholders in the development of an efficient, accessible service which will, similar to the existing Register to Vote service, harness technology to make the process as effective as possible for both electors and for electoral teams.

Electoral identity document format and deadlines

Further, key decisions have also been made regarding the format of the electoral identity document and the intended deadline for applications for an electoral identity document ahead of a poll. These policy decisions are pertinent to mitigating the burden on EROs in the lead up to polls and so I thought it useful to also set these out here.

The Government has carefully considered different formats that the electoral identity document could take, exploring the requirements for the electoral identity document in the context of what the market can deliver and consulting with potential suppliers, stakeholders and government experts on the options. The outcome of these considerations is that an A4 paper-based document, with inherent security features, is the most appropriate in terms of supporting electors who will need an electoral identity document in order to vote, and the ability of electoral administrators and suppliers to produce and deliver the electoral identity document efficiently. We are in the process of appointing a central supplier that EROs will be able to use to produce cards, which will reduce the burden on the sector and drive value. My officials also continue to work closely with the Electoral Commission on this matter as the Commission will be responsible for the design of the electoral identity document, ensuring it is free from any perception of political input and can benefit from the Commission's long experience in voter communication.

Following feedback from the sector, a decision has also now been taken regarding the deadline for applications for the electoral identity document. This will be set at 5pm, six working days ahead of a poll. This deadline follows the same principle as other deadlines for electors around elections, including the deadline for registering to vote

and for applying for an absent vote, and strikes the correct balance between giving electors enough time to apply whilst allowing sufficient time for applications to be processed and cards delivered. This deadline (in combination with the decision above on the format of the electoral identity document) means that printing and dispatch can be centrally managed, and there will be no requirement for local authorities to provide a temporary document for applications made close to polling day.

As I and others have said repeatedly, the Government has been very clear on our intention to ensure every eligible voter continues to have the opportunity to vote. To mitigate issues around unforeseen circumstances, such as lost, stolen or damaged documents, EROs will be able to allow the appointment of an emergency proxy up until 5pm on polling day for those electors who had photographic identification they intended to use but are in the situation where it is no longer available to them or usable after the deadline for applications has passed. This will apply to any of the accepted forms of identification, including the electoral identity document (if for example a card were to be lost in the post). In addition, where an electoral identity document has been applied for ahead of deadline but for any reason has not arrived in a timely way, EROs will be able to provide a temporary document instead of granting an emergency proxy.

These key decisions on the electoral identity document will help to remove additional pressure on EROs in the lead up to polling day which may otherwise be incurred due to the new policy and will help to ensure the smooth delivery of the changes for electors. Details required for implementation of the policy will be set out in the secondary legislation.

Readiness for a UK Parliamentary General Election

As you note, following repeal of the Fixed Term Parliaments Act via the Dissolution and Calling of Parliament (DaCoP) Act 2022, the Prime Minister is once more able to request that the Sovereign dissolve Parliament at a time of the Prime Minister's choosing. Importantly, to ensure the continued operability of our electoral system, the DaCoP Act retains the 25-working day period between dissolution and polling day and the election writ is now deemed to have been received the day after dissolution of Parliament. For the elections sector, this provides additional certainty in relation to the electoral process following dissolution and allows all constituencies to begin making the necessary preparations the day after the election writs are issued.

Ongoing engagement with the electoral sector

The Government is committed to ensuring readiness of the elections sector to deliver the changes in the Act. In addition to ongoing close working with key sector stakeholders, including the Electoral Commission, Association of Electoral Administrators and the Society of Local Authority Chief Executives, the Electoral Integrity Programme has established a Business Change Network, covering England, Scotland and Wales, specifically to support local authorities with the implementation of the policy changes arising from the Elections Act. The Network allows the flow of information both ways between local authority election teams and officials in DLUHC, acting as a local presence with knowledge of the Elections Act, supporting and engaging with administrators during implementation, and identifying cross-cutting issues and opportunities. The Network has already proved invaluable in gathering

information on the impacts of changes and providing critical, timely and accurate feedback about the local implementation picture.

The Government is committed to ensuring that these important changes are delivered in a careful and thoughtful way and, as I have said, our priority remains ensuring local authorities have the necessary resources to deliver. As my predecessor set out to this committee previously, the Government has committed to providing new burdens funding to local authorities to cover the additional costs arising as a result of the changes. My officials have worked closely with local authorities to develop the funding model and ensure that elections teams have appropriate resources at the correct time.

I hope the information in this letter will provide you and the Committee with assurances on the Government's plans for implementation of the Elections Act. We will not be complacent when it comes to ensuring our democracy remains secure and this Act will protect the integrity of our elections and stamp out the potential for voter fraud. I am also publishing this letter on GOV.UK to provide an update on implementation to colleagues in local government and wider interested parties.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Paul Scully', with a stylized, overlapping flourish.

PAUL SCULLY MP



PACAC (Public Administration and Constitutional Affairs Committee)

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Rt Hon Greg Clark MP
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19th July 2022

Dear Greg,

Implementation of the Elections Act 2022

I am writing to you regarding the implementation of provisions of the Elections Act 2022. The Committee is concerned by the serious issues raised with you by Chair of the Association of Electoral Administrators (AEA), Peter Stanyon, in a letter of 11th July which was copied to us. As you will be aware, the AEA raised concerns with your predecessor in May this year that the timelines for implementation were “optimistic at best, undeliverable at worst”. These warnings appear not have been heeded and the AEA is now of the view that the situation has “deteriorated”.

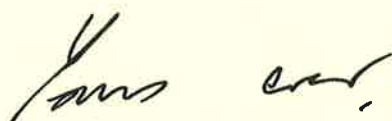
In particular, it of considerable concern to us that that the AEA now say they do not think that Voter ID, as well as changes to postal and absentee voting, can be successfully implemented before the next scheduled elections in May 2023. The AEA raise concerns that the current timetable risks voter disenfranchisement, may lead to confusion for candidates and campaigners, and as a result means that “Electoral Registration Officers, Returning Officers and electoral professionals will struggle to deliver the trusted elections expected of them”.

This is a serious concern, and we therefore request that the Government write to the Committee to explain the current timetable for implementing all measures in the Elections Act 2022 and what assessment has been carried on the potential impact on the delivery of elections. If such assessments have not been carried out, the Government should immediately commission assessments and provide a timetable for their completion and providing the results to this Committee.

Moreover, we are particularly concerned that if the measures cannot be put in place by May 2023, then these provisions may not be able to be ‘stress-tested’ in local elections ahead of the next UK-wide General Election. This introduces an unacceptable level of uncertainty into our democratic processes, and runs a serious risk of significant voter disenfranchisement. The Committee would welcome reassurance from you on this matter, and on what contingency plans are in place to

ensure the system envisaged under the Elections Act 2022 is implemented in a coherent manner, including what steps have been put in place to ensure that the UK has sufficient readiness for a UK-wide General Election being called at short notice following the passage of the Dissolution and Calling of Parliament Act 2022.

These are pressing and fundamental issues for our democracy. In light of this, we would request a response to this letter by no later than Monday 29th August. I am copying this letter to the Chair of the Levelling Up, Housing and Communities Committee, Clive Betts MP and The Chair of the House of Lords Constitution Committee, Baroness Drake. A copy of this letter, and your response, will be placed in the public domain.



William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee