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Your reference:
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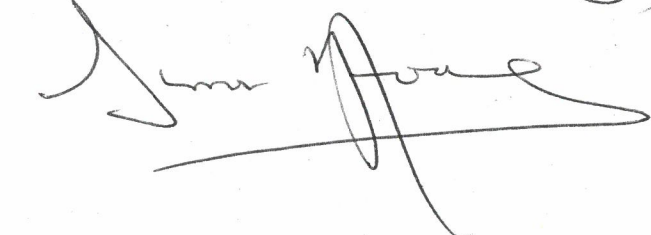
16 February 2024

Dear Lady Drake

Government response to the House of Lords Constitution Committee's findings on voter identification

It was a pleasure to appear before you on 6 December as part of the Committee's inquiry into voter identification, and I thank you for your subsequent letter of 19 December in which you set out clearly the findings and recommendations from that inquiry. The Government has considered the Committee's recommendations, please find the Government's response attached to this letter.

I would like to thank you and the Committee for your ongoing interest in the implementation of these important reforms.

Yours sincerely,


SIMON HOARE MP

Minister for Local Government

GOVERNMENT RESPONSE TO THE LORDS CONSTITUTION COMMITTEE REPORT ON VOTER IDENTIFICATION

Introduction

The Elections Act 2022 introduced, for the first time in Great Britain, the requirement to show photographic identification in order to vote in polling stations in reserved polls.¹ During passing of the legislation, the Government committed to conduct an evaluation of the impact and implementation of the policy at the first set of local elections – in England in May 2023 – and at the first two UK Parliamentary general elections following commencement of the provisions. The Government published the first evaluation of voter identification at the May 2023 polls – conducted by independent research agency IFF Research – on 30 November 2023.

The Government welcomes the Lords Constitution Committee's inquiry into the implementation of the voter identification and has considered its report. The Government's response to the Committee's recommendations is set out below.

Electoral Integrity Programme objectives

The Committee notes these objectives [programme objectives] but is concerned about their implementation. It has received evidence, including from yourself, suggesting that the voter ID requirement has affected some demographic groups' propensity or opportunity to vote, in part due to a lack of awareness about the voter ID requirement and the availability of the Voter Authority Certificate. This is contrary to the Electoral Integrity Programme's stated objective of enhancing engagement in UK democracy.

Response:

The Government notes the Committee's comments regarding the extent to which the Electoral Integrity Programme has met its stated objective of enhancing engagement in UK democracy.

When introducing change, it is imperative to review and evaluate the impact of that change. The government has been clear that it is essential we understand fully how voter identification, and the rest of the Elections Act once implemented, has operated in practice, what has gone well, and where there are any areas for improvement in the future. We have also been clear that while we were pleased with the initial roll out of the voter identification policy at the local elections in England in May 2023, we are not complacent. The Government will continue to work closely with all partners – including the Electoral Commission, Returning Officers and Electoral Registration Officers and their teams, and representative organisations for the electoral sector - and take forward any necessary adjustments.

¹ Reserved polls include UK Parliamentary, Police and Crime Commissioner, all local elections in England, and all Northern Ireland elections.

With regard awareness of the voter identification requirement and the availability of the Voter Authority Certificate, it is important to reflect on the overall success of the first awareness raising campaign, with the Electoral Commission's research showing very high levels of awareness of the voter identification requirements in areas where polls were held in May. However, it is also important to acknowledge the work still to be done to ensure all groups receive the message and that appropriate support is being provided to ensure all eligible electors are able to access the identification they need in order to vote. This is covered in more detail in the sections below.

The Government will, as we committed to in the legislation, be conducting further formal evaluation of the implementation of voter identification at the next two UK Parliamentary general elections. We will continue to consider the objectives of the Programme as part of these evaluations.

Impact of voter identification on turnout for the next general election

It is difficult to extrapolate figures from the local elections in May 2023 to determine the likely impact of voter ID on turnout at the next general election, particularly as turnout at general elections is approximately double that of local elections. However, research consistently suggests that people from particular demographic groups were negatively affected by the voter ID requirement in higher numbers than the general voting population at the May 2023 local elections. Although this was not necessarily the sole reason these groups were less likely to vote, it was likely a contributing or compounding factor.

Fully funded local, tailored engagement campaigns targeting those demographic groups more likely to be negatively affected by the voter ID requirement are essential if lower turnout by particular demographics at future elections is to be avoided. If they are to be successful these campaigns must raise awareness of the availability of Voter Authority Certificates, including the process for applying and the fact that they are free of charge. This is particularly important given the particular weight the Government has attributed to the Voter Authority Certificate as a means of facilitating access to voting for those without an accepted form of ID.

Response:

As stated by the Committee in its report, extrapolating data on turnout from the May local elections to determine the impact of voter ID on future elections – either future local elections or future Parliamentary elections – is difficult. Turnout can vary significantly from one poll to another due to a wide range of factors, including electors' interest, the strength of the candidates, prospective marginality of the result, local issues, even the weather. This means that it is not possible to attribute any change in turnout to any individual factor between two elections, a point which has been previously noted by the Electoral Commission.

The Electoral Commission's and the Government's own research both show the many and varied reasons why electors may choose not to vote. In the local council elections in England in May, the data shows that the vast majority of voters in the polling station – 99.75% - were able to cast their vote successfully. Furthermore, Ipsos' public opinion survey found only 4% of non-voters at the English May local elections cited voter identification as one reason for not voting, compared to the top two reasons given by electors for not voting being a lack of time (22%) and a lack of interest (17%).

Having noted these findings, however, the Government does recognise that some demographic groups are more likely to be impacted by the voter identification requirement – particularly those who research shows have lower levels of ownership of photo identification – and the risk is that this could manifest in lower turnout amongst those groups. It was in order to ensure accessibility of the policy for all eligible electors that the Government specifically created the Voter Authority Certificate, and raising awareness of both the voter identification requirement and the availability of and ease of application for the Voter Authority Certificate is key in ensuring ongoing and future success of the policy. The Government and the Electoral Commission have both stated that there is work still to be done in this regard, and plans for awareness raising – including amongst particular groups – is covered in further detail below.

Awareness of voter identification requirements

Awareness-raising about voter ID must be sustained until the requirement becomes 'business as usual' in the minds of voters across Great Britain. This will require significant investment for national campaigns produced by the Electoral Commission. This is particularly important on the lead up to the next general election where the geographical target for these campaigns will include all of England, Scotland and Wales.

We welcome the efforts of local authorities to raise awareness about the voter ID requirement at the May 2023 local elections, including the involvement of civil society organisations and other networks to engage harder-to-reach demographics. We welcome the £7.4 million of additional funding provided to local authorities for communications and recommend this is renewed. The Government should explore means by which it might better support awareness-raising campaigns with a particular view to reaching those demographics most likely to be negatively affected by the voter ID requirement. This should include sharing best practice between local authorities and leveraging the Government's existing contact channels with those less likely to possess ID, including, for example, benefits recipients or those renting from a social landlord.

We heard in your oral evidence that measures in this area are already underway – we welcome this and urge the Government to consider where awareness-raising can

be improved. We look forward to hearing from you in the new year regarding communications campaigns in the lead up to the next set of polls.

Response:

In line with its statutory duty to raise public awareness of all elements of the democratic process, including changes made to it, to ensure voters can participate, the Electoral Commission is again running a fully integrated voter identification communications campaign ahead of the next set of scheduled polls in May, alongside its established Register to Vote campaign. The Commission will continue to conduct this public awareness campaign ahead of each set of relevant polls – including ahead of the next UK Parliamentary general election. The Government will also continue to support awareness raising with the inclusion of information on accepted forms of identification and how to apply for a Voter Authority Certificate on all poll cards which are sent to all electors ahead of every poll.

The Committee will note, as set out above, the overall success of the first awareness raising campaign, with the Electoral Commission's research finding awareness of the voter identification requirements was 92% in May in areas where polls were held. The strategy of the Commission's latest campaign is to build on the 2023 campaign to drive awareness in areas where voter identification will be required for the first time. It will remind voters in areas where voter identification has been required previously of the need to bring identification to vote, thus supporting the normalisation of the requirement. It will continue to engage more directly with those audiences and groups where additional support may be needed – including those who are more likely to need to apply for a Voter Authority Certificate. This of course includes awareness raising across Scotland and Wales, where current statistics do not provide an indication with regards to current levels of awareness in each nation, and where messages need to be more nuanced due to the different requirements for different types of polls.

The Commission's 'Note to Self' campaign launched on 8 January 2024, and will use the same visuals and overarching messages as the 2023 campaign. It will include paid advertising, including a combination of mass channels such as TV and radio and out of home adverts, and targeted digital channels; press activity; digital communications including through social media and via the Commission's own website; and partnership working in order to reach into target audiences through the production of a range of resources and building of trusted relationships.

The Commission's programme of engagement with partners, including charities and civil society organisations, to raise awareness amongst specific groups about the changes and to support them as needed with applying for a Voter Authority Certificate is a key factor in its campaign. As the Commission set out in its evidence to the Committee, it has continued to establish new and to build on previous relationships with civil society to engage those least likely to own accepted

identification and those which already face barriers to participation. This partnership working also includes the production of a consistent set of resources for use at a local level, supporting local authorities' own engagement and awareness raising within communities. The funding for local engagement provided by the Government to local authorities which held polls last year has been replicated for those yet to run polls with voter identification requirements, and was paid to those local authorities as part of our grant funding last year.

In addition to providing funding to local authorities to support awareness raising, the Government will amplify the Commission's campaign, ensuring maximum reach to electors whilst maintaining consistency of messaging. The Government will utilise its channels to ensure we reach key target audiences, including disabled and unemployed electors. Digital and media activity such as banners on gov.uk; digital signposting from multiple other pages on gov.uk (including register to vote pages); and updating the gov.uk 'How to vote' page with information on voter identification requirements will further help to raise awareness of the changes amongst electors.

Offline methods of awareness raising will include using government-owned spaces to promote the campaign such as in job centres, crown post offices, driving test centres, courts and tribunals buildings, and railway stations. The Government will also provide information on accepted forms of identification and how to apply for the Voter Authority Certificate on poll cards, which will boost awareness of the campaign amongst electors who we know are harder to reach. Local authorities will be encouraged to make use of council tax notifications as an alternative means of raising awareness of voter identification. I have submitted a form of words, agreed by the Commission, to all councils in England.

The Government will continue to support the Commission's campaign by engaging with civil society forums, such as the Accessibility of Elections Working Group where ideas around best practice and novel approaches to raising awareness will be discussed with disability groups. Targeted engagement with key stakeholders, including local authorities, parliamentarians, and civil societies will further inform the Government's role in awareness campaigning. The Government remains open to suggestions of how communications can be amplified and targeted at specific audiences, and continues to work closely with all its partners to continue to raise awareness of the new requirements.

Ownership of accepted forms of identification

We welcome the Government's review of accepted forms of ID and recognise that adding to the list of accepted forms of ID might create an additional administrative burden on polling staff. While we acknowledge the Government's conclusion that there is a diminishing return in including additional documents on the list, we do not

consider this conclusion sufficiently robust in the absence of rigorous survey evidence. We urge the Department for Levelling Up, Housing and Communities to make it a priority to conduct more rigorous research into this issue. The Government should also consider adding additional forms of ID to the list that are widely available to provide more options to those who do not own an existing accepted form of ID and to those who do but will not necessarily be carrying it on polling day.

Response:

The Government will be conducting a further evaluation following the next UK Parliamentary General Election, and we will be reviewing where changes could be made if required. The Committee will note a wide range of accepted identifications are currently included on the list, including drivers' licenses, 60+ Oyster Cards and Proof of Age Standards Scheme accredited identification, which include the NUS endorsed Totum+ student card and the Young Scot Card.

The public opinion survey conducted by Ipsos showed that in May 2023, 96% of voting age adults in England owned an accepted form of photographic identification, 2% did not, 1% preferred not to say and 1% did not know. As the Committee is aware, those 2% who did not have an accepted form of identification from the prescribed list can apply for a free Voter Authority Certificate to present as accepted photographic identification in order to vote at a polling station in the local elections, as can the remaining 2% should they need or choose to do so.

As set out in the response to the Electoral Commission's report on the May 23 local elections, it is the Government's view that the Voter Authority Certificate has a significant role to play in ensuring that everyone who has the right to vote continues to be able to do so. Indeed, as set out above, the Voter Authority Certificate was deliberately created to support electors who may not have access to another form of accepted identification, either temporarily or over the longer term.

The Government welcomes the Committee's recognition of the importance of the list of accepted identifications being manageable by staff in polling stations. In addition, as set out by the Government previously and in evidence to the Committee, it is important the list of accepted identifications strikes the right balance between security and accessibility. As the Committee is aware, the review undertaken by the Government following May's polls did not identify any additions to the list that would succeed in significantly increasing coverage, in groups specifically identified as potentially benefitting from a wider range of identifications, or more generally.

That is not to say that further forms of identification may not be added to the accepted list in the future. It remains possible to do so, so long as the form of identification is suitably secure. As indicated in evidence to the Committee, data will be captured as part of the ongoing evaluations to inform decision making on the list of accepted identifications. The Government will continue to keep the list under review.

Awareness of the Voter Authority Certificate

The importance of increasing voter registration as a prerequisite to bolstering Voter Authority Certificate applications cannot be underestimated. It is vital that Voter Authority Certificate awareness-raising campaigns reach the four per cent of the population who do not own an accepted form of ID. We welcome the Government's acknowledgement that improving awareness is a "high priority". We look forward to hearing more from the Government about the practical steps it is taking ahead of the May 2024 local elections to increase awareness of the Voter Authority Certificate, following its meeting with the Electoral Commission on the matter.

Response:

For those electors who do not already own one of the wide range of identifications accepted in polling stations, ensuring that they are aware of the availability of the Voter Authority Certificate and how to apply for one is vital to ensuring successful implementation of the policy. Understanding where the gaps are in this awareness is, of course, one of the important takeaways from the Government's and the Commission's recent evaluations, and further targeted engagement will be taking place in order to continue to increase awareness.

Prior to the elections in May 2023, as part of the national awareness raising campaign, the Electoral Commission worked in partnership with charities and civil society organisations to specifically target communications regarding Voter Authority Certificates at groups that may have most need of it, and local authorities also undertook activities to raise awareness locally and support electors to apply where needed. The Government supported the campaign, through amplification of messages through government channels and on GOV.UK, and through direct funding of an additional £4.75m to local authorities with polls for local engagement² Public opinion research undertaken by Ipsos showed that awareness of Voter Authority Certificates increased from 9% of voting age adults in England in January 2023 to 21% in May 2023, suggesting that the campaign raised awareness positively.

However, the Government acknowledges that awareness does appear to be lower among voting age adults with no accepted photographic identification – who are, of course, those most likely to need a Voter Authority Certificate. Raising awareness more generally of the Voter Authority Certificate will assist with this, and this will be an aspect of the overarching voter identification communications campaign led by the Electoral Commission. Targeted communications and support – particularly through the Commission's partnership working and local authorities own local engagement – will be fundamental in raising awareness of the Voter Authority Certificate amongst specific audiences and the Government is keen to continue to work closely with the Commission and local authorities to support their awareness

² £4.75m additional funding for local authorities with polls is separate from the £7.4m combined figure which includes pre-May 23 plus post-May 23.

raising efforts. As set out above, we will use Government-owned channels and levers to support and amplify the campaign, particularly targeting messages about the Voter Authority Certificate at those groups most likely to benefit.

Information on how to apply for a Voter Authority Certificate is also included on all poll cards sent to all electors ahead of a polling day. Alongside the Commission, the Government will also continue to work closely with local authorities, political parties and other partners to ensure awareness of the deadline to apply for a Voter Authority Certificate is widely advertised and understood.

The Voter Authority Certificate Service

It will take a general election—when there is likely to be a significantly higher volume of applications—for the Voter Authority Certificate application system to be fully stress-tested. In the meantime, the system must be fully functional well ahead of the local elections in May 2024. We recommend that any updates to the system are well designed and fully tested well ahead of polling day and welcome the Government’s commitment to implement a ‘digital freeze’ ahead of the next set of elections to avoid disrupting the ‘live process’ on the lead up to the polls.

We accept that as long as Voter Authority Certificates are in physical form there are practical barriers to bringing the deadline closer to polling day, including time needed to process, print and post the forms and potential burdens on electoral administrators. Nonetheless, access to voting is an important constitutional principle and every effort should be made to engage and enable all those who wish to vote to do so. We welcome the Government’s commitment to exploring the possibility of offering digital Voter Authority Certificates as an alternative in the future and acknowledge that it is too late to implement such a change ahead of the May 2024 elections. However, doing so in the future would potentially eliminate five working days required for printing and posting the certificates, allowing the deadline to be brought closer to polling day and for the certificate to be stored on the user’s phone for easy access. We urge the Government to introduce legislation allowing for digital Voter Authority Certificates as soon as practicably possible, while ensuring the necessary security measures are in place to prevent fraud.

Response:

Since implementing the digital service for the administration and determination of Voter Authority Certificate applications, we have continued to make improvements to the system, introducing additional features which improve the process and ensure that administrators are able to carry out their duties effectively.

As the Committee notes in the report, keeping disruption to a minimum ahead of polling day is imperative, and we will continue to uphold implementation of a “digital change freeze” in the period prior to polling day for scheduled polls, in order that there is minimal disruption for administrators in the busy pre-election period and

ensuring they are able to carry out their duties effectively. We note the Committee's recommendation in this regard.

With regards to the Committee's suggestion for a digital Voter Authority Certificate – to clarify, this is not something that we are seeking to implement in the near future. Digital identification documents require a method to verify them – for example, by scanning a QR code. Without such a method, it may be straightforward to digitally manipulate an image that would appear convincing, and so undermine the security of the poll. At present, it would not be practical to provide the necessary equipment and training to every polling station to facilitate a verification method. Furthermore, not all polling stations will necessarily have access to the internet to ensure this verification process is robust, so it may not be possible in all cases.

However, the acceptance of digital documents (Voter Authority Certificates or otherwise) is something we will continue to monitor and consider as technology advances and as digital identifications become more widely available and practical to assure.

Alternatives to presenting identification

While we acknowledge the additional administrative burden that attestation would introduce, we consider it a potentially valuable means by which to make voting accessible for members of the electorate who do not own an accepted form of photo identification and are unable to obtain a Voter Authority Certificate in time. We do not consider attestation to undermine the principle of voter ID provided the number of people each voter can attest for is limited to one or two. As awareness of the Voter Authority Certificate increases, and if the application deadline were able to be brought closer to polling day, accessibility may improve. Nonetheless, we recommend the Government keeps its position on this issue under review.

We do not support the introduction of statutory declarations as an alternative to showing voter ID, as doing so would provide insufficient safeguards to uphold the integrity of a system of voter ID.

Response:

While we do not rule out further review of the process in future, at this time it is the Government's view that there is currently no practical way to assure the attestation process in the polling station. This would in turn undermine the integrity of the identification check and, as the Committee acknowledge in the report, risk adding additional administrative burden and complexity to the polling day process.

The Government does not consider the potential security risk this process carries to be justifiable in light of the provision for the Voter Authority Certificate, available to electors free of charge, ensuring everyone who is eligible to vote continues to be able to do so.

Impact of voter identification on the administration of a general election

The electoral sector operates under a concerning degree of strain, which has been exacerbated by the introduction of voter ID and other policies included in the Elections Act 2022. We are concerned that the extra burden of these requirements may make it more difficult for returning officers to administer, within the time available, the preparation and conduct of elections, and to recruit and retain polling station staff, requiring the mandating of council staff to carry out election duties. We urge the Government to explore means by which it can assist returning officers in ensuring they have adequate staff and resources available to deliver on the lead up to elections and on polling day itself. We welcome the Government's commitment to offer returning officers support from civil servants.

We urge the Government and the Electoral Commission to continue to engage with Royal Mail and other contractors to ensure delivery of materials key to the successful conduct of elections is prioritised on the lead up to polling day.

We welcome the work the Electoral Commission has undertaken with police and the National Police Chiefs' Council to ensure they are ready to respond to disturbances at polling stations in response to the voter ID requirement. We recommend this continues for future polls.

While the 'new burdens' funding and the availability of 'justification-led bids' to local authorities implementing voter ID is welcome, these funds must not be limited to initial costs. We recommend that the Department for Levelling Up, Housing and Communities maintains funding for future costs associated with voter ID.

Response:

The Government will continue, as ever, to work closely with stakeholders across the electoral sector to consider readiness to deliver a General Election and to understand where support is needed. In addition to the welcome work of the Commission as noted in the Committee's report, the Government also continues to engage with suppliers across the electoral sector, including regular working level engagement with elections suppliers and additional plans for a ministerial level meeting with Royal Mail in the coming months. The Government will also continue to support the work of the Police and the National Police Chiefs' Council (NPCC), as we have done at previous elections. The Joint Election Security and Preparedness Unit sits on the National Police Coordination Centre's election coordination group and we are working directly with the Police to strengthen the candidate security offer. The Minister for Local Government will meet the NPCC Chair and Elections Lead in February to discuss candidate and polling station security and the role of the elections single point of contact in each police force.

The Government is providing New Burdens funding to local authorities to cover the costs of implementing the Elections Act changes for the scheduled local elections in

May, and local authorities will be able to claim additional New Burdens funding retrospectively via a justification led bid process to support them in carrying out new duties. The Government will continue to provide funding for New Burdens until at least the end of the 2024/2025 financial year, in line with the New Burdens doctrine. This funding will transition to become part of the normal Local Authority funding mechanisms following the completion of the current spending review period. As always, the Consolidated Fund will provide the funding required for the delivery of the General Election and the Police and Crime Commissioner elections and will cover necessary costs incurred for the effective and efficient running of the polls.

We remain confident in the ability of Returning Officers to deliver successfully upcoming polls and will continue to work with all our partners across the electoral sector to support local authorities to deliver the polls in any scenario. With regard to staffing, the Government is in ongoing conversations with the sector and with the Electoral Commission regarding what additional support the Government may be able to offer to local elections teams in the lead up to and on polling day, including encouraging Civil Servants to sign up to work as poll clerks in their local area.

Cumulative impact of changes to the voting system

The decision to introduce multiple changes to the electoral system simultaneously or in quick succession has placed a significant burden on a system with limited resilience and has introduced increased risk to the successful delivery of elections. Scheduling the next general election ahead of the May 2024 local elections or combining a general election with the local elections could exacerbate this risk.

Response:

We are committed to working with the electoral sector to support the implementation of the Elections Act and the successful delivery of elections. To facilitate this, we are in regular conversation with stakeholders on how best we can support elections teams in the successful delivery of a General Election when it is called. This includes work ongoing with local authority chief executives, Returning Officers and Electoral Registration Officers, as well as with the Electoral Commission and representative organisations such as the Society of Local Authority Chief Executives and the Association of Electoral Administrators.

The Government appreciates that the implementation of the Elections Act represents an extensive programme of modernisation which brings multiple reforms and new activities for the electoral sector. To ensure the sector can absorb these changes in good time, the Government has followed a sequenced approach to Elections Act implementation and will continue to support local authorities to deliver the changes.

We remain confident in the sector's ability to deliver at all upcoming polls, including at an upcoming General Election, and are making sure they have the resources to do so. It is also likely to be significant that a high proportion of UK voters and electoral

staff have already experienced polls utilising voter identification and it is possible that many more will have by the time of the next General Election. This will enhance their understanding of the requirements of voter identification in the run-up to a General Election.

Data collection

We note that polling station data collection is incapable of recording those who for whatever reason do not enter a polling station. We acknowledge public opinion surveys by the Electoral Commission, Ipsos and others may go some way in rectifying this issue but is unlikely to present a full picture.

We are disappointed the Government has decided against making data collection on the impact of voter ID compulsory for local elections. While we recognise concerns that doing so would increase the burden on elections staff, the Government is working with the Electoral Commission to clarify the data collection process and make it more efficient. In addition, there is strong consensus among electoral administrators that returning officers should continue to collect data. We urge the Government to reconsider its decision and introduce legislative change to this effect as soon as possible.

Response:

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.

The Government acknowledges that the data collection process can help to provide a helpful picture in relation to voter turnout. Indeed, the survey conducted by Ipsos spans across a large sample size, which can aid in building a holistic picture, as well as providing insight into why respondents did not turn out to vote. Whilst we will continue to support the data collection process which takes place at polling stations, we also recognise the feedback received 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, and we will not be legislating to require this by law. The Government is in support of the Electoral 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 continue to work 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.

