

Elections Bill 2021: summary of provisions **(as brought from the House of Commons)**

Voter identification - 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, at local elections in England, and at Police and Crime Commissioner elections in England and Wales. A broad range of documents will be accepted including passports, driving licences, various concessionary travel passes and photocard parking permits issued as part of the Blue Badge scheme. Any voter who does not have an approved form of identification will be able to apply for a free, local Voter Card from their local authority. In Northern Ireland voters have been required to produce personal identification before voting in polling stations since 1985, with photographic identification being required since 2003. The experience in Northern Ireland illustrates that once the requirement has become established and part and parcel of voting in elections, the vast majority of electors successfully cast their vote after turning up at the polling station. On 6 January 2022 the Government published a [policy statement](#) which sets out more detail on the implementation plans for voter identification policy.

Identity verification for absent vote applications and an online application service - The Bill amends existing legislation to enable the identity of absent vote applicants in Great Britain to be verified. The identity verification process will apply to paper applications as well as to applications made online. This will make the absent vote application process more secure and resilient. The Bill further provides for the introduction of an online service through which applications for an absent vote can be made. The online service which will allow applications for absent votes will also facilitate online applications for the Voter Card.

First Past the Post - The Bill changes the voting system used for electing Police and Crime Commissioners (PCCs), the Mayor of London and combined authority mayors from the Supplementary Vote system to Simple Majority Voting, also known as First Past the Post. To ensure consistency in the voting system used for electing all directly-elected mayors in England, and deliver manifesto commitments, the voting system for electing local authority mayors in England is also changed to First Past the Post.

Postal and proxy voting measures - These measures will strengthen the integrity of absent voting by addressing issues that have been highlighted as matters of concern at recent elections. We will require those using a postal vote on a long term basis in Great Britain to re-apply every three years. To negate 'postal vote harvesting' we will ban political campaigners from handling postal votes (except where the handler is a listed family member or carer of the postal voter). We will also introduce a power to enable a limit to be set on the number of electors on behalf of whom a person may hand in postal votes to a returning officer or at a polling station. We will provide that a person may be appointed to act as a proxy for a maximum of four electors, and within that four, no more than two may be electors who are not overseas electors or service voters. Finally, we will add security to remote voting and protect those at risk of having their vote stolen by extending the secrecy of the ballot requirements in polling stations to absent voting.

Clarification of undue influence - It is a core tenet of our democracy that electors should be able to cast their vote freely and safely. Although it is already an offence to unduly influence an elector, the outdated legislation requires modernising in order to provide electors with the protection they deserve. Therefore, we will clarify and update the offence so that:

- Undue influence encompasses a wide range of **harms**, such as physical violence, damage to a person's property or reputation, undue spiritual pressure and injury, or inflicting financial loss.
- **Deceiving** an elector about the conduct or administration of an election or referendum can also amount to undue influence.
- **Intimidation** of electors is explicitly listed as a form of undue influence. This will address the concern of the Tower Hamlets Election Court which noted the current legislation "does not penalise thuggish conduct at polling stations of the sort that occurred in 2014".

Accessibility of polls - To improve the electoral process for people with disabilities, the Bill places a requirement on Returning Officers to consider a wider range of support for voters with disabilities in polling stations, supported through Electoral Commission guidance produced in partnership with the Government's expert Accessibility of Elections Working Group. The Bill also removes current restrictions on who can act as a 'companion' to support voters with disabilities to cast their vote in the polling station.

Overseas Electors - These measures will scrap the 15 year limit on expats' right to vote in UK Parliamentary elections and enfranchise British citizens overseas who were previously registered or resident in the UK. As now, overseas electors will be entitled to register in respect of one UK address. Individuals will apply to register in respect of the last UK address at which they were registered, or, if they were never registered here, in respect of the UK last address at which they were resident. The registration period for overseas electors will be extended from one year to up to three years and electors will be able to reapply or refresh their absent vote arrangements (as appropriate) at the same time as renewing their registration. These changes will also facilitate participation by making it easier for overseas electors to remain on the register with an absent vote arrangement in place ahead of elections.

EU Voting and Candidacy Rights - Now that the UK has left the EU, and with the ending of free movement and introduction of the new points-based immigration system in the Immigration and Social Security Coordination (EU Withdrawal) Act 2020, the basis for an automatic grant of voting and candidacy rights to European citizens no longer exists. This measure will amend the local voting and candidacy rights of EU citizens in local elections in England and Northern Ireland, elections to the Northern Ireland Assembly and Police and Crime Commissioner elections in England and Wales (other local elections in the UK are devolved). Once these measures are introduced, in addition to satisfying the usual eligibility requirements which apply to all electors (e.g. age, residence etc.), EU citizens must be part of one of two groups to participate in the above elections. They must either:

- a. be a citizen of an EU member state with which the UK has a voting rights agreement (currently Spain, Portugal, Luxembourg, Poland), or
- b. have been resident here at the Implementation Period Commencement Date and retained lawful immigration status.

An EU citizen elected before these measures come into force, and who otherwise remains eligible, will be able to serve their full term. Citizens of Cyprus and Malta, which are both EU and Commonwealth states, will retain the right to vote and stand as candidates in all elections for which the UK Government is responsible. The voting and candidacy rights of Irish citizens are also not affected by these measures, as these long-standing rights pre-date EU membership.

Electoral Commission - To improve the accountability of the Electoral Commission, we will legislate to make provision for the introduction of a 'Strategy and Policy Statement' that will set out guidance and principles, which the Commission will have to have regard to in the discharge of its functions. This means that when carrying out its functions the Commission will be required to consider the Statement and weigh it up against any other relevant considerations. It will work in a similar way to other existing statutory duties which require public bodies to 'have regard' to specific considerations in the carrying out of their functions. The Strategy and Policy Statement will be subject to a statutory consultation before being submitted for the approval of Parliament. The Commission will remain operationally independent and the Statement will not replace or undermine the Commission's other statutory duties. We will also amend the functions of the Speaker's Committee in order to further enhance the Commission's accountability to Parliament by granting the Committee the power to examine the Commission's compliance with its duty to have regard to the Strategy and Policy Statement. Finally, to avoid imposing an undue burden on taxpayers' funds and duplicating the work of the Crown Prosecution Service and Public Prosecution Service Northern Ireland, we will legislate to expressly prevent the Commission from bringing criminal prosecutions in England, Wales and Northern Ireland. This will not apply in Scotland where there is already a single prosecutorial authority.

Notional Expenditure - Following the Supreme Court ruling on *R v Mackinlay and others* in 2018, the current rules in this area have led to widespread uncertainty and risk a democratic chilling effect by discouraging parties from campaigning in marginal constituencies. The Government will amend the law to make it clear that candidates only need to report benefits in kind which they have actually used, or which they or their election agent have directed, authorised or encouraged someone else to use on the candidate's behalf and do not need to fear being responsible for benefits in kind, of which they had no knowledge. This clarification will also be extended to other campaigners who are subject to notional expenditure controls. Expenditure which promotes an individual candidature would continue to count towards a candidate's own spending limit; and expenditure which is joint between a party and a candidate would continue to be apportioned in an appropriate way. This change does not alter the existing rules around submitting spending returns, as any authorised spending should still be reported by both third-parties and candidates.

Political finance - These five measures improve and tighten three important components of the political finance framework: fairness, transparency and controls against foreign spending. These measures will complement the Home Office's separate Counter State Threats legislative proposals, which will provide the security services and law enforcement agencies with the tools they need to disrupt state threats.

- **Third-party campaigner registration:** This measure will introduce a new 'lower' tier of registration with the Electoral Commission for third parties spending above £10,000

across the constituent parts of the UK but less than the current per-country registration thresholds. Campaigners registered with the Electoral Commission on the 'lower tier' would be subject to basic transparency requirements and would need to be UK-based or otherwise eligible to register (e.g. a registered overseas elector).

- **Restriction of all third-party campaigning to UK-based entities and eligible overseas electors:** This will restrict third-party campaigning during a regulated period to only those groups eligible to register with the Electoral Commission, even those spending below the registration threshold. This will remove the scope for spending by ineligible foreign third-party campaigners.
- **Ban on registering as both a political party and a third-party campaigner:** Campaigners can currently register as both a political party and third-party campaigner at the same time, allowing them to potentially make use of two spending limits. This measure will prohibit entities from appearing on both registers at the same time, to ensure this cannot happen.
- **Restrictions on coordinated spending between parties and third parties:** Currently, when one or more third parties work together on a joint campaign, they must all account for the costs. This new measure will extend similar principles to third-party campaigners and political parties who work together on a joint campaign, to ensure they cannot unfairly expand their spending limits by coordinating spending on a joint campaign.
- **Asset and liabilities declaration for the registration of new political parties:** This measure will introduce a requirement for new political parties to declare their assets and liabilities (if over £500) when registering with the Electoral Commission. This will allow for earlier public scrutiny of political party finances.

Intimidation: new electoral sanction - The Government will introduce a new electoral sanction to protect candidates, future candidates, campaigners and elected officeholders from intimidation and abuse, both online and in person. Under this new electoral sanction, someone convicted of intimidating a candidate, future candidate, campaigner or elected officeholder will face a five-year disqualification from standing for, being elected to and holding elective office. This five-year disqualification is in addition to the punishment for the underlying criminal offence of an intimidatory nature, such as a fine or imprisonment, depending on the severity of the intimidation.

Digital imprints - This measure will introduce a digital imprints regime, requiring political campaigners to explicitly show who they are and on behalf of whom they are promoting digital campaigning material. We have balanced the need to avoid unreasonably restricting the free speech of individuals, and avoid imposing disproportionate measures which would discourage political campaigning. Under the new regime, all qualifying paid for digital political material will require an imprint, regardless of who it is promoted by. Further to this, certain campaigners, such as elected representatives and political parties, will also require a digital imprint on their unpaid material if it constitutes digital election material, referendum material or recall petition material.