

THE MID-SUSSEX DISTRICT COUNCIL (IDENTIFICATION IN POLLING STATIONS) PILOT ORDER 2019

REPORT OF: SOLICITOR TO THE COUNCIL
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Wards Affected: All
Key Decision: No
Report to: Council
30 January 2019

Purpose of Report

1. To ask Council to agree; The Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019 – which is attached to this report at appendix 1
2. For Member's convenience it may be helpful to note that the first 8 pages of the Order make the required changes to Schedule 1 and the last 10 pages depict prescribed forms. The pages in between by necessity repeat the changes to amend them also for Schedules 2 and 3.

Summary

3. To participate in the government's Voter ID Pilot at the local elections scheduled for 2nd May 2019, it is necessary for the Minister for the Constitution to give legal effect to the Pilot by way of Ministerial Order, which she is due to sign 26th February 2019.
4. The Order makes legislative modifications to; the Representation of the People Act 2000, the Local Elections (Principal Areas) (England and Wales) Rules 2006 and the Local Elections (Parishes and Communities) (England and Wales) Rules 2006.
5. The modifications are required to enable the pilot to proceed in the Mid Sussex administrative area at District, Town and Parish Council elections on 2nd May 2019.
6. The Pilot does not apply to any County Council by-elections or Neighbourhood Plan referendum held alongside the local elections on the same date.

Recommendation

7. **That Council approve The Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019, and;**
 - (a) **That Council authorises the Head of Regulatory Services (The Returning Officer) to accept such minor amendments as the Cabinet Office or The Minister may require.**

Background

8. The Government is committed to introducing measures to reduce, or eliminate, the potential for electoral fraud to occur at UK elections.
9. Following a successful Voter ID pilot in 5 local authority areas at the May 2018 local elections, the Electoral Commission (EC) reported its statutory evaluation 19th July 2018. Their key findings were:

- (a) 0.6% of people wanted to vote at their polling station but did not have the right identification; many came back with the right identification, but 0.2% did not.
 - (b) People in areas where the pilot schemes took place were significantly less likely to think that electoral fraud took place than those in other areas where elections were also held in May 2018.
 - (c) Electoral staff successfully ran the pilot schemes in all of the 5 pilot areas and close to 100% of polling staff also told the EC they were confident about the process they had to follow in order to check voters' identification.
 - (d) Nearly 9 out of 10 (86%) polling station voters said they were aware beforehand that they had to show identification to vote at their polling station.
 - (e) Nearly everyone was able to show the right identification at their polling station, and almost 8 in 10 (79%) people said the requirement made no difference to whether or not they voted.
10. Officers applied to be considered for the 2019 pilot and Council was notified at its meeting 31st October 2018 that Mid Sussex had been selected.

Risk management

- 11. As is usual with major electoral events, established risk management methodologies required by the Electoral Commission and the Cabinet Office are in use.
- 12. A range of pilot impacts for the administration of the elections are being carefully planned for and mitigations are being developed for identified risks.
- 13. A resident of another pilot authority (Braintree) has applied to the High Court to challenge the legal right of the Minister to enact the pilot Orders and the government is robustly defending this action. Contingency plans to revert to the existing system are in place in the event that this claim is successful at any time ahead of polling day.

Roles and Responsibilities

- 14. The Local Authority is responsible for project management and administration of all elections in its area. It is also responsible for the practical application and management of the Voter ID Pilot at local elections in Mid Sussex on 2nd May 2019.
- 15. Led by Democratic Services, work on the pilot benefits from contribution and ongoing assistance from Digital & Communications, Legal Services, ICT, Customer Services and Community Services, Policy and Performance.
- 16. The Cabinet Office has commissioned the pilot and the services of technology-enabling partners. It has engaged in detail with pilot authorities relating to policy and methodology. It oversees the application and management of the pilot in each pilot area and is the sole government department with legal accountability for it.
- 17. The Electoral Commission provides advice, guidance and support to the Cabinet Office and to pilot authorities relating to; electoral administration, project and risk management, resources, performance standards and evaluation. The Electoral Commission spent a day examining these with Democratic Services 13th December 2018 and commended the Council for the thorough and advanced status of its plans.

18. Cabinet Office and Electoral Commission officials are likely to be operating within the district on polling day and they will be guests at our election count on 3rd May 2019.

Policy Context.

19. Government policy is to propose measures that it can demonstrate would enhance Electoral integrity and promote voter confidence in the conduct and security of UK elections. It is considered that our participation in the Voter ID pilot will contribute significantly to these aims, helping to shape the development of future electoral law.

Other Options Considered

20. Officers considered not taking part in the pilot but concluded it is likely that such electoral reform will occur in the foreseeable future. It is therefore believed advantageous for the council to be engaged with development of it at an early stage.

Financial Implications

21. The Cabinet Office has undertaken that all costs wholly or partly attributable to the Pilot shall be reimbursed and officers have received the necessary accounting and claims guidance and materials. It is therefore intended that the Pilot be cost neutral.

Equality and Customer Service Implications

22. Officers have conducted a comprehensive Equality Impact Assessment which is published at the Council's website: Equality Impact Assessment of Voter ID Pilot

Background Papers

Appendix 1 – The Mid-Sussex District Council (Identification in Polling Stations) Pilot Order 2019.