

Report To:	COUNCIL
Date:	30 MAY 2024
Heading:	APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To appoint Theresa Hodgkinson, Chief Executive, Electoral Registration Officer and Returning Officer.

To authorise nominated officers to act as Deputy Electoral Registration Officers for the purposes of signing Temporary Voter Authority Certificates.

Recommendation(s):

1. With effect from 31 May 2024 to appoint Theresa Hodgkinson, Chief Executive:
 - (a) As the Electoral Registration Officer (ERO) for the Council pursuant to Section 8(2)(a) of the Representation of the People Act 1983;
 - (b) As the Returning Officer (RO) pursuant to Section 35(1) of the Representation of the People Act 1983 with authority to act in that capacity for elections to the Council and all or any Parish Councils within the Council's administrative area; and
 - (c) To act in respect of all related electoral, poll or referendum duties, including elections to the County Council, European Parliament and for national and regional polls or referenda.
2. With effect from 31 May 2024, to appoint Ruth Dennis, Executive Director, Governance, as Deputy Electoral Registration Officer pursuant to Section 52(2) of the 1983 Act.

Recommendation(s):

3. That, in relation to the duties of Returning Officer (RO), or any other electoral referendum or polling duties arising from such appointment, the Returning Officer (RO) shall:
 - (a) Be entitled to be remunerated in accordance with the scale of fees approved from time to time in respect of the District, Parish and Nottinghamshire County Council for local elections; and
 - (b) Be entitled to be remunerated in accordance with the relevant scale of fees prescribed by a Fees Order in respect of national, regional elections, polls or referenda; and
 - (c) In all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer (RO) shall be superannuable and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from Central Government or other local authorities or agencies where this can be done.

4. That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out, and maintain in force, insurance indemnifying the Council and the Returning Officer (RO) against:
 - (a) legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council, or the Returning Officer (RO); and/or
 - (b) the cost of holding another election in the event of the original election being declared invalid;

provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts, or other legislation governing the electoral process, or accidental breach of any ministerial, or other duty, by the Returning Officer (RO), or any other person employed by, or officially acting for her in connection with the election or poll). Also, that, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning Officer (RO) up to the value of such excess.

5. To authorise the following to act as Deputy Electoral Registration Officer for the purpose of signing Temporary Voter Authority Certificates, in addition to the Statutory Electoral Registration Officer (Theresa Hodgkinson), Deputy Electoral Registration Officer (Ruth Dennis) and those previously authorised by the Council in February 2024.

Reasons for Recommendation(s)

The Council is required by legislation to appoint an Officer of the Council to be the ERO and RO in accordance with statutory requirements.

Alternative Options Considered

Members may suggest an alternative Officer for the appointment.

DETAILED INFORMATION

ERO/RO APPOINTMENT

Statutory Requirements

Section 8(2)(a) of the Representation of the People Act 1983 (the 1983 Act) requires that every district council should appoint an officer of the Council to be the Electoral Registration Officer (ERO) for its district. In accordance with Section 52(2) of the 1983 Act, a Deputy ERO may be appointed by the Council. The ERO may appoint officers to assist him/her.

Ruth Dennis has served as Returning Officer / Electoral Registration Officer since 2019. This appointment will now be served, subject to Council approval, by Theresa Hodgkinson, Chief Executive with Ruth Dennis taking on the role as Deputy Electoral Registration Officer.

The duties of an ERO/RO/ARO/LRO are separate from his/her duties as a local government officer. The officer is personally liable for the Electoral Register and the conduct of elections. The ERO/RO/ARO/LRO acts independently of the Council and is only accountable to the courts. The Council does not provide direction or exercise control whilst the officer is undertaking these duties.

It is good practice to appoint a Deputy ERO to act in the absence / incapacity of the ERO, as such it is recommended that Ruth Dennis, Executive Director, Governance (Monitoring Officer) is appointed to act as Deputy ERO.

VOTER AUTHORITY

From 4 May 2023, voters in England needed to show photographic identification to vote at polling stations. This applied to:

- Local elections (including Mayoral)
- Police and Crime Commissioner elections
- UK parliamentary by-elections
- Recall petitions

From October 2023 it also applied to UK General elections.

Accepted forms of photo ID

The following is a list of accepted forms of photo ID when voting at a polling station:
International travel:

- Passport issued by the UK, any of the Channel Islands, the Isle of Man, a British Overseas Territory, an EEA state or a Commonwealth country Driving and Parking
- Photographic driving licence issued by the UK, any of the Channel Islands, the Isle of Man, or an EEA state (this includes a provisional driving licence)
- A Blue Badge

Local travel:

- Older Person's Bus Pass
- Disabled Person's Bus Pass
- Oyster 60+ Card
- Freedom Pass
- Scottish National Entitlement Card
- 60 and Over Welsh Concessionary Travel Card
- Disabled Person's Welsh Concessionary Travel Card
- Senior SmartPass issued in Northern Ireland
- Registered Blind SmartPass or Blind Person's SmartPass issued in Northern Ireland
- War Disablement SmartPass issued in Northern Ireland
- 60+ SmartPass issued in Northern Ireland
- Half Fare SmartPass issued in Northern Ireland

Proof of age:

- Identity card bearing the Proof of Age Standards Scheme hologram (a PASS card)

Other government issued documents:

- Biometric immigration document
- Ministry of Defence Form 90 (Defence Identity Card)
- National identity card issued by an EEA state
- Electoral Identity Card issued in Northern Ireland
- Voter Authority Certificate (see further information below)
- Anonymous Elector's Document (see further information below)

Only one form of photo ID is needed. It needs to be the original version and not a photocopy. A voter can still use photo ID if it is out of date, as long as it still looks like them. The name on the ID should be the same name as appears on the Register of Electors. If the voter is registered to vote anonymously and they want to vote in person, the voter will need to apply for an Anonymous Elector's Document. A voter does not need photo ID to vote by post.

Voter Authority Certificate

A voter can apply for a free voter ID document, known as a Voter Authority Certificate, if:

- they don't have an accepted form of photo ID
- they are not sure whether their photo ID still looks like them
- they are worried about using an existing form of ID for any other reason, such as the use of a gender marker

The voter must be registered to vote before applying for a Voter Authority Certificate. The Electoral Commission will again undertake a national media campaign to raise awareness with voters about the process for applying for a Voter Authority Certificate. The Council will also carry out its own awareness campaign.

A voter can apply for a Voter Authority Certificate:

- online at <https://www.gov.uk/apply-for-photo-id-voter-authority-certificate>
- by post by filling out a paper application form and sending this to the Council
- in person at the Council.

When applying for a Voter Authority Certificate, the voter will need to provide:

- name - apply using the same name that was used to register to vote.
- address
- date of birth
- National Insurance number - If a voter doesn't know their National Insurance number, or doesn't have one, they will need to provide other forms of proof of identity, such as a birth certificate, bank statement and a utility bill. If a voter doesn't have any other accepted proof of identity, they can ask someone to confirm their identity this is known as an attestation.
- Photograph - the requirements for the photo are similar to the requirements for a passport photo. If a voter needs help taking a photo, then the Council will be able to help with this.

Voter Authority Certificates do not have an expiration date, but it is recommended that they are renewed after 10 years.

The deadline to apply for a Voter Authority Certificate for the local elections in England on 4 July 2024 is 5pm on the 26 June 2024.

Temporary Voter Authority Certificates

Where a permanent Voter Authority Certificate has been issued (printed centrally by DLUHC) between 5pm 6 working days before an election and 5pm on the day of the election and the ERO is satisfied that it may not be delivered to an applicant in time to be used on polling day a temporary Voter Authority Certificate may also be produced and issued locally, up until the close of poll on the date of the relevant poll.

A decision on whether a temporary Voter Authority Certificate is needed may be due to the proximity of the forthcoming polling day or it could be because of another issue, such as a postal strike.

A temporary Voter Authority Certificate is valid only on the relevant date of a specific election. It must be collected by the applicant; it cannot be sent via post.

A temporary Voter Authority Certificate must include:

- the elector's full name
- the date of issue
- the name of the local authority by which the ERO was appointed
- an appropriate identifier
- the date for which the temporary Voter Authority Certificate is valid
- the applicant's photograph
- the ERO's signature

The ERO's signature can be provided by a deputy and should be a wet ink signature. It would not be advisable for the ERO to be the only officer authorised to sign Temporary Voter Authority Certificates as this would not be workable in the event of large numbers of applications being received in a short space of time which need processing without delay.

For the elections in July 2024, Theresa Hodgkinson, subject to approval, will be authorised to sign Temporary Voter Authority Certificates as ERO.

The following Officers to act as Deputy Electoral Registration Officers for the purposes of signing Temporary Voter Authority Certificates:

- Ruth Dennis, Executive Director, Governance (Monitoring Officer)
- Michael Joy, Assistant Director – Democracy
- Ian Dobson, Electoral Services (AEA) Consultant
- Carla Benedetti, Electoral Services Officer
- Louise Ellis, Assistant Director – Legal

For future elections and subject to approval of recommendation 1 above:

- Theresa Hodgkinson, Chief Executive is authorised to sign Temporary Voter Authority Certificates as Statutory ERO
- Ruth Dennis, Executive Director, Governance (Monitoring Officer) will be authorised to sign Temporary Voter Authority Certificates as Deputy ERO
- Michael Joy, Assistant Director – Democracy will be authorised to sign Temporary Voter Authority Certificates in accordance with the previous Council Authority
- Carla Benedetti, Electoral Services Officer will be authorised to sign Temporary Voter Authority Certificates in accordance with the previous Council Authority
- Louise Ellis, Assistant Director – Legal will be authorised to sign Temporary Voter Authority Certificates in accordance with the previous Council Authority

The authorisation to Ian Dobson, Electoral Services (AEA) Consultant to sign Temporary Voter Authority Certificates for elections during 2024/25 was approved at Council on the 12 February 2024.

Implications

The management and delivery of lawful elections and the publication of the Register of Electors is outside the remit of the Corporate Plan.

Corporate Plan:

There are no direct Corporate Plan implications resulting from the recommendations within this report.

Legal:

It is a statutory requirement for the Council to appoint an Electoral Registration Officer and a Returning Officer. Legal issues are contained within the report. [RLD 24/5/24]

Finance:

The proposed change has no impact on existing budgets. Fees will be met by the relevant bodies identified in the report. The Returning Officer is responsible for making appropriate arrangements for tax and superannuation obligations. [P.H 24/5/24]

Budget Area	Implication
General Fund – Revenue Budget	Not applicable.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
<p>There is uncertainty regarding the number of Voter Authority Certificates/Temporary Voter Authority Certificates the Council will be required to assist with and process in advance of the elections in 2024. In the event of a large number of applications, particularly for temporary certificates, in a short period of time, there will be pressure on the small team to process these.</p>	<p>Planning is in place to ensure resources are available. The recommendation to authorise additional signatories to Temporary Voter Authority Certificates will contribute to ensuring the Council is able to process large numbers in a short period of time.</p>

Human Resources:

There are no contractual changes arising from the proposed appointments.

Environmental/Sustainability:

There are no direct environmental/sustainability implications resulting from the recommendations within this report.

Equalities:

There are no direct equalities implications resulting from the recommendations within this report.

Other Implications:

There are no other implications resulting from the recommendations within this report.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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