

NOTICE OF MOTION – CLLR A KIRBY – FREEDOM TO VOTE BY POST

Executive Summary

At its meeting on 29 July 2021, the Council referred the following Notice of Motion to the Executive.

Councillor A Kirby

“Freedom to vote by post

This Council believes that democracy is best secured by maximising electoral turnout and participation, as much as that democracy must start by more literally securing residents’ votes.

It is therefore with regret that this Council notes the proportion of people voting by post in the Borough did not rise between 2019 and 2021, despite this year’s elections being the first to be held since the arrival of Covid-19. Despite the understandable caution from residents around in-person events – and for many even medically-advised isolation – the proportion of local people voting by post in fact fell.

In light of these facts, this Council recognises its responsibility to better uphold and inspire democratic participation through challenging times. This Council also recognises the importance and legal status of the fully independent Electoral Commission.

This Council notes that Woking Borough is an outlier in asking residents already on the electoral register for photo-identification in order to support their application for a postal vote, contrary to official guidance and legal requirements as set out by the Electoral Commission.

Therefore, this Council resolves to:

- 1) Reflect the latest exact wording used by the Electoral Commission on its own website, when describing the process of registering to vote by post, on all relevant communications whether in print, digital or in person.
- 2) Remove all other restrictions, suggestion of restriction, advice to follow legally unnecessary steps, or any other effective impediment created by the Council’s advice or processes, on the ability of residents to register for a postal vote.
- 3) Proactively communicate this change to residents, via all Council-controlled media channels and to issue a public statement to all local media on behalf of this Full Council, clarifying the change and the exact contents of this motion.”

Following the meeting of Council on 29 July 2021, Councillor Kirby requested some changes to the Motion (shown in bold in the revised Motion below) in order to reflect the importance of the Chief Executive’s role as Electoral Registration Officer and the role’s independence in light of the electoral law and Electoral Commission who are the legal source of authority on the existing rules.

Notice of Motion – Cllr A Kirby – Freedom to Vote by Post

Revised Motion:

Councillor A Kirby

“Freedom to vote by post

This Council believes that democracy is best secured by maximising electoral turnout and participation, as much as that democracy must start by more literally securing residents’ votes.

It is therefore with regret that this Council notes the proportion of people voting by post in the Borough did not rise between 2019 and 2021, despite this year’s elections being the first to be held since the arrival of Covid-19. Despite the understandable caution from residents around in-person events – and for many even medically-advised isolation – the proportion of local people voting by post in fact fell.

In light of these facts, this Council recognises its responsibility to better uphold and inspire democratic participation through challenging times.

This Council also recognises the importance and legal status of the fully independent Electoral Commission. **Equally this Council notes the importance of our independent Electoral Registration Officer, responsible for upholding the Electoral Commission’s advice, and welcomes our new Chief Executive to this role.**

This Council notes that Woking Borough is an outlier in asking residents already on the electoral register for photo-identification in order to support their application for a postal vote, contrary to official guidance and legal requirements as set out by the Electoral Commission.

Therefore, this Council resolves to:

- 1) **Support the Electoral Registration Officer in reflecting** the latest exact wording as **recommended** by the Electoral Commission on its own website, when describing the process of registering to vote by post, on all relevant communications whether in print, digital or in person.
- 2) Remove **from general council communications all other suggestion of restriction**, advice to follow legally unnecessary steps, or any other effective impediment created by the Council’s advice or processes, on the ability of residents to register for a postal vote.
- 3) **Support the Electoral Registration Officer by proactively communicating the existing legal reality of postal registration** requirements to residents, via all Council-controlled media channels and to issue a public statement to all local media on behalf of this Full Council, **clarifying the exact contents of this motion.**”

Officer Comment

“The matters raised in the Notice of Motion are matters which are the personal responsibility of the Electoral Registration Officer. The Electoral Registration Officer has undertaken a review of the practices and procedures in place and has concluded that she will no longer request that electors provide additional photographic identification in order to support their application to vote by post. The Electoral Registration Officer has reported her decision and outlined her reasons to the Election Panel. These are repeated below:

The outcome of the election petition in respect of the Borough Election in the Maybury and Sheerwater Ward in May 2012 identified Woking as an area where the risk of future allegations of electoral fraud arising was higher due to the previous confirmed case of proven fraud. To ensure the integrity of the electoral register and the postal vote process the Electoral Registration Officer had

Notice of Motion – Cllr A Kirby – Freedom to Vote by Post

adopted the approach that those electors on the electoral register who would like to apply for a postal or proxy vote were requested to provide additional photographic identification to allow the Council to verify their identity. The following identification was requested;

- proof of identification such as passport or driving licence.
- proof of residency at the property such as utility bill and bank statement.

No further cases of alleged electoral fraud have been reported and the risk of electoral fraud occurring in the Borough is now considered to be much lower. Having carefully considered the matter, the Electoral Registration Officer shall no longer request that electors provide additional photographic identification. This change shall have immediate effect. The Council's website shall be updated to reflect this change and accord with the Electoral Commissions requirement as follows;

- Your date of birth and signature are needed on this application form, and again when you use your postal vote. This information is needed to prevent fraud. If you are unable to sign this form, please contact your local electoral registration office. Return your form to your local electoral registration.

The Electoral Registration Officer has a duty to take such steps as appropriate to encourage the participation of electors in the electoral process. The challenge of maximising registration takes place in the context of wider challenges for electoral registration which notably includes ensuring the integrity of the register.

It is recommended that the Notice of Motion is not pursued in its current form but support for the actions taken by the Electoral Registration Officer should be noted.”

Background Papers: None.

Reporting Person: Councillor Adam Kirby
Email: cllradam.kirby@woking.gov.uk
Julie Fisher, Chief Executive
julie.fisher@woking.gov.uk, Extn: 3333

Contact Person: Emera Chown, Electoral Services Manager
Email: emera.chown@woking.gov.uk, Extn: 3215

Portfolio Holder: Councillor Ayesha Azad
Email: cllrayesha.azad@woking.gov.uk

Shadow Portfolio Holder: Councillor Ann-Marie Barker
Email: cllrann-marie.barker@woking.gov.uk

Date Published: 1 September 2021