

Thursday, 1 December 2022

Report of the Returning Officer

Purchase of a Digital Solution to Support the Implementation of the Elections Act 2022

Exempt Information

This report is partially exempt Appendix 3 contains exempt information as defined in Paragraph 3 in Part 1 of Schedule 12A of the Local Government Act 1972

Purpose

To seek approval from Cabinet to purchase, in December 2022, the Modern Polling system supplied by Modern Democracy which will facilitate the implementation of the Elections Act 2022 legislation.

Recommendations

It is recommended that Cabinet:

1. Approve the immediate purchase of the Modern Polling system and to enter a 4-year contract for the system with Modern Democracy.
2. Endorse that the Returning Officer sign the necessary contractual agreements to facilitate the changes in legislation and ensure effective governance of the associated processes.

Executive Summary

The Modern Polling solution has two main elements

1. A customer facing digital poll clerk which is an iPad-based application that verifies and checks in voters by scanning a QR code on a voter's poll card or looking them up on the election register. The digital poll clerk processes voters in just 15 seconds—three times faster than manual methods.
2. An election management system where Election Managers and Returning Officers can monitor an election in real-time from anywhere, at any time, via a cloud-based portal. The election management tool provides instant access to data and analytics on polling station performance and voter turnout throughout the day, reducing the administrative burden for polling station staff and other stakeholders.

The system provides the Returning Officer with necessary resources needed to implement the changes in the Election Act, particularly with the increased difficulty in recruiting and securing staff, now is the time to introduce automation and digitisation into the polling day process enabling modernisation and supporting the Council's ICT Strategy.

This system is unique and is the only solution on the market to deliver this service, it is tried and tested over multiple years and multiple elections and has been checked and approved to government standards. It has also been deployed in over 40 councils at over 3000 polling stations servicing 3 million voters, it was also the only technology used in the 2018 and 2019 voter ID pilots.

Due to the uniqueness of the product, legislation (Public Contract Regulations 2015) dictates as competition is absent for technical reasons (namely no other products exist) there is no requirement for a procurement process to take place and the contract can be awarded directly.

Digitisation within the polling station will alleviate some of the issues we are facing when managing the poll. This will generate many additional benefits for Election staff, management, and stakeholders, but ultimately it will provide a better service and experience for the voter. The count process is expected to be quicker as data will be transferred as soon as polls close, this will also enable counters to be allocated in line with actual turnout.

Benefits

The system is expected to realise many benefits including:

- Reduces the council's risks from implementing Voter ID
- Removes the logistical challenges of implementing Voter ID
- Assists in streamlining processes
- Enables us to meet our legislative requirements and KPIs
- Provides transparency and audit of the process
- Provides consistency across all Polling stations
- Quicker staff onboarding and training
- Relieves polling station staffing pressures
- Adds resilience in terms of staffing
- Improved voter experience, less risk of being disenfranchised due to new processes
- Improved accuracy, efficiency and sustainability
- Automated, accurate real-time reporting
- Has the ability to evolve as more parts of the Elections Act are enacted, e.g., delivery of postal votes to the polling station.
- Ability to facilitate the polling station voting process for Recall Petitions, where up to 10 polling locations within the constituency are required to open each weekday for a six-week period.
- Secure, GDPR-compliant data storage.
- Reduces the amount of physical storage needed for paper records as these would now be digital.
- Statutory retention policies easily adhered to and reduces risk of unintentional losses.
- Speeds up count process as work can begin prior to the ballot box(es) being delivered.
- Enables stakeholders to receive election data (for example marked registers) quicker than the current manual process.
- Aids planning at larger scale polls as turn out by station can be seen and used to inform actions to be taken at the count e.g., ballot box allocation, staff resources.
- Supports our ICT Strategy

A policy change has been requested to fund the system from 2023/ 24 however, the purchase must be made in this financial year to enable the implementation of the system in time for the 2023 elections. The system will be funded in year one from current budgets by utilising underspend from the canvasser fees the remainder will be from the Electoral Services retained fund.

The Council has received a letter of comfort from the Department of Levelling Up Housing and Communities (DLuHC) to advise that new burdens funding will be allocated to the authority to enable the implementation of the legislation (Appendix 1). We have yet to receive formal notification of the level of funding allocated, however, we have received some information on the scope for the new burdens funding (Appendix 2).

In order to comply with the legal and operational requirements of the Elections Act the Council must enter into agreements with DLuHC in respect of data protection, data sharing and cyber security therefore committee are asked to endorse that the Returning Officer signs the relevant agreements.

Options Considered

There were 3 options considered

1. Remain with current model of manual paper-based processes, this not the preferred option as this has significantly higher risks than the preferred option.
2. Purchase an alternative system, this is not the preferred option as Modern Polling is unique in that there are no other systems which deliver the solution or are Check approved to a government standard.
3. Purchase the Modern Polling solution which is the preferred option as it reduces risk and realises many benefits including reduction in human error, ability to monitor footfall at the polling station, enabling intuitive and real time staffing adaptations, contribution to net zero carbon and supporting our ICT strategy.

Resource Implications

There are no direct human resource implications as a result of this report.

Due to the commercial sensitivity of the system costs a full financial breakdown for the duration of the contract can be found at Appendix 3.

Legal/Risk Implications Background

Legal services will review the contractual aspects of the system purchase.

Modern Polling is ISO 27001 and GDPR compliant ensuring data is safely stored, encrypted in transit and at rest and securely destroyed when no longer required

Purchasing the cloud based polling system significantly reduces the risk associated with business continuity, Modern Democracy have a robust, detailed and tested business continuity plan which ensures minimal system downtime.

It is anticipated that the purchase of the system will also reduce the risk to the Council in the following areas:

- Implementation of voter ID legislation
- Errors in processing at the polling station
- Recruitment of staff
- Long waiting times at polling stations
- Cost of printing and staff time

Equalities Implications

The purchase and implementation of the modern polling system will assist with the introduction of the Elections Act which will support inclusivity for all eligible voters.

Environment and Sustainability Implications (including climate change)

Traditional elections are still a process that relies heavily on paper. With Modern Polling we can reduce our need for paper, ink and travel between the stations reducing the carbon footprint for elections and Tamworth Borough Council.

Background Information

The Elections Act 2022 received Royal Assent in April 2022, and will:

- Require local authority Electoral Registration Officers to issue free of charge voter identification documents to eligible resident without valid photo ID (process expected to commence from January 2023).
- Requires voters to show photo ID at polling stations before a ballot paper is issued (expected to be in place for elections from May 2023 onwards).
- Change to voting and candidacy arrangements for EU voters (expected to be in place for June 2023).
- Removal of the 15-year rule, allowing British citizens living overseas to vote in UK Parliamentary elections, regardless of when they left the UK (expected to be in place for July 2023).
- Restrict the handling of postal votes, including limiting the number of postal votes an individual can hand in (likely to be in place from autumn 2023)
- Further limit on the number of people someone may act as proxy for (expected to be in place for elections from May 2024).

The above requires significant changes to take place within the polling station. Due to this there will be new burdens placed on staff to assist with the delivery. There are completely new processes that will need to take place and a requirement to complete additional documents for record keeping. Some of these new documents have a retention period of 10 years rather than the more usual 1 year. This system can easily handle these changes, from ID requirement to postal vote handling and will ensure that all relevant information is recorded prior to an elector being issued with a ballot paper or accepting postal votes that are handed in at the polling station.

Elections are a “no fail service” and we must do everything to ensure that the service is not overwhelmed by the extent of the changes in the Elections Act. If a failure was to occur this would have severe implications for the local authority as a whole and its officers.

Our polling stations use a very traditional, manual, paper-based process. This system has served us adequately but with the increasing demands from recent legislative changes, covid, increasing challenges in appointing adequate staff to deliver the electoral processes a step change to delivery of elections is imperative.

Existing challenges include staff recruitment, voter disengagement, poor visibility of election day progress, and increased risk of human error, accuracy of completed Ballot Paper Accounts, ballot paper accounts being placed in the wrong location, and additional record keeping, and document completion introduced by the Elections Act, transparency with audits.

This will be compounded by the implementation of Voter ID and the workload of the core team and complexity of administering within polling stations will increase dramatically.

Electors will be required to identify themselves by showing an approved form of photographic identification before being issued with a ballot paper in a polling station at:

- UK Parliamentary general elections.
- local elections in England.
- UK-wide national referendums.
- Recall petitions.
- local referendums in England; and
- Police and Crime Commissioner elections in England and Wales.

The defined list of acceptable identification for relevant elections in GB can be found in Schedule 1 of the Elections Act 2022. Legislation defines the list of acceptable documentation and makes it clear that polling station staff will not have latitude to accept other documents in lieu of those specified by the Act. This list can be updated in future, if necessary, through secondary legislation.

For electors who do not have an accepted form of photographic identification, Electoral Registration Officers will be required to provide a Voter Authority Certificate - a photographic identification document free of charge for the purposes of voting in polling stations.

Polling station staff must keep an anonymous record of all ID shown for each elector. They must also need to keep a detailed record for any electors who cannot provide ID/suitable ID. They must record what ID was provided if it was not suitable and be able to record other information e.g., valid ID but no likeness to elector. They must also record whether any of these electors returned to the polling station with valid ID and whether they were issued a ballot paper.

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Appendices

Appendix 1 – Letter of Comfort

Appendix 2 – New Burdens Funding Explainer

Appendix 3 – Financial Information

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