

**North Yorkshire Council**  
**Standards & Governance Committee**

**17 May 2023**

**Appointment of Deputy Electoral Registration Officer - Additional Duties under  
the Elections Act 2022**

**Report of the Assistant Chief Executive Legal & Democratic Services**

**1.0 PURPOSE OF REPORT**

- 1.1 The Committee are asked to agree to delegate to the Electoral Registration Officer (ERO) the power to appoint one or more deputies and to revoke or vary such appointments as necessary. This is because the Elections Act 2022 places further obligations on the ERO, which it would be more practical for a number of deputies to undertake in locations across North Yorkshire.

**2.0 BACKGROUND**

- 3.1 Under Section 8(2) of the Representation of the People Act 1983, the Council must appoint a senior officer to the position of ERO. This position is responsible for maintaining and publishing the register of electors for the area. The Chief Executive is the appointed ERO.
- 3.2 Under Section 52(2) of the Representation of the People Act 1983, the Council may approve the appointment of Deputy EROs to perform and exercise any of the duties and powers of the ERO. Council has delegated election functions which it is necessary for the Council to decide to this Committee which includes the appointment of deputy EROs.
- 3.3 To date Council has appointed one deputy being the Assistant Chief Executive Legal & Democratic Services. However, the further obligations placed on EROs by the Elections Act 2022, including obligations around implementing the requirement for voter identification at polling stations, means it will be more practical to appoint more deputy EROs at locations across North Yorkshire.
- 3.4 Unlike Returning Officers, the ERO cannot appoint a deputy themselves, unless the power to do so has been delegated to them, hence asking this committee to delegate the power.

**Voter Identification at Polling Stations**

- 3.5 From May 2023 individuals, who wish to vote in person, including those acting as a proxy on behalf of another individual, will be required to produce an accepted form of photographic ID to prove their identity before they will be issued with a ballot paper.
- 3.6 Where an individual does not have or does not wish to use one of the accepted forms of photographic ID, they can apply for a Voter Authority Certificate. This is a document containing an elector's name and photograph which can be obtained free of charge from their ERO, following verification of an applicant's identity.
- 3.7 Where a permanent Voter Authority Certificate has been issued (printed by the centrally procured supplier appointed 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 or for a petition, 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 final day of petition, or it could be because you are aware of another issue, such as a postal strike.

- 3.8 A temporary Voter Authority Certificate must be signed by the ERO. The ERO's signature can be provided by a deputy ERO and should be a wet ink signature. The requirement for it to be wet ink and not be posted to the voter means in practice deputy EROs need to be appointed and empowered to sign temporary certificates at key locations throughout North Yorkshire where elections are taking place and electors may attend to request and collect a temporary certificate.

#### **4.0 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 To not appoint deputies at key locations which would slow down the process for obtaining a temporary voter authentication certificate and possibly prevent a voter from being able to vote at a polling station.

#### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications. The Deputy ERO would not receive any additional payment.

#### **6.0 LEGAL IMPLICATIONS**

- 6.1 This report has been prepared with the benefit of legal advice as to the process for appointing deputies and requirements for temporary voter authentication certificates.

#### **7.0 EQUALITIES IMPLICATIONS**

- 7.1 There are none.

#### **8.0 CLIMATE CHANGE IMPLICATIONS**

- 8.1 There are none.

#### **9.0 REASONS FOR RECOMMENDATIONS**

- 9.1 The Electoral Commission's guidance recommends the appointment of a Deputy ERO to carry out the functions of the ERO and to be available to act in their absence. The guidance further recommends that, "Any deputies appointed should have the skills and knowledge required to carry out the functions that they have been assigned."

- 9.2 Appointing deputy EROs at key locations would ensure that if it became necessary to sign a temporary voter authority certificate, it could be dealt with efficiently and effectively without unreasonable delay.

#### **10.0 RECOMMENDATION(S)**

That the Committee delegates to the ERO the power to appoint one or more deputies and to revoke or vary such appointments as necessary

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(Insert date)

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.