

Electoral Commission’s Public Consultation on the draft guidance for Returning Officers: Assistance with voting for persons with disabilities – a joint submission from United Response, Dimensions UK, and Mencap



Introduction

United Response, Dimensions UK, and Mencap welcome the opportunity to engage with the Electoral Commission’s public consultation on the draft guidance for supporting disabled voters. Accessible politics is a crucial component of any functioning liberal democracy, and it is the litmus tests of elections and voter participation which gauge its integrity most earnestly.

Our three organisations have long campaigned to remove several long-standing barriers to participating in the political process for disabled citizens¹. The government sought to affirm its commitment to removing these through the Elections Act 2022. Among the legislation’s chief goals was to assist disabled voters through accessibility guidance for Returning Officers (ROs) at polling stations². The draft guidance subsequently developed by the Electoral Commission features various welcome initiatives. These include an extensive outlining of on-site assistive equipment, specialist training on disability awareness, as well as innovative use of materials such as poll cards and ballot papers for upskilling electoral literacy³.

Yet the guidance lacks an authoritative weight behind many of its key actions, opening the way to misinterpretation, variation in application, or a lack of compliance. Certain provisions are *suggested* rather than *mandated*, namely on whether ROs *could* or *should* provide voters with the minimum requirements of supportive equipment. Similarly ROs are instructed only “to consider” if it is appropriate to make information more accessible to a wider range of voters. Further still, there is an acute danger of overreliance on digital measures as a one-size-fits-all approach to meet the needs of a diverse voting bloc.

The United Nations Convention on the Rights of Persons with Disabilities places a clear duty on signatory states to guarantee equal access to participating in public life⁴, irrespective of their citizens’ needs. Much of the draft guidance’s content reflects this guiding principle, but it is critical, in our view, that the provisions therein must be placed on a *statutory* footing; along with a clear allocation of *binding* duties on the Commission and its staff. Areas examined within

¹ All three of our organisations co-signed an open letter calling on the government to guarantee accessible voting measures for disabled people on Accessible Voting Day (3rd March 2022).

² Elections Act 2022, s 9 (2) (c).

³ The Electoral Commission. (2022). ‘Draft guidance for Returning Officers: Assistance with voting for persons with disabilities.’ Online. Available at: <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-consultations/consultation-draft-guidance-returning-officers-assistance-voting-persons-disabilities/draft-guidance-returning-officers-assistance-voting-persons-disabilities>

⁴ Article 29 – Participation in political and public life.

the consultation's scope we believe this is especially pertinent to include clarifying ROs' roles in making voting more accessible, raising working awareness of disability, and during post-electoral evaluation.

It is welcome that the guidance outlines a consultative role for self-advocates and third-sector partners. Our joint submission will outline ways which we believe can give these provisions full life and go one step further towards enhancing our democracy's inclusive quality.

Executive Summary

- As a priority, the guidance must shift the discretionary tone in its language around the provision of key supports to an explicitly mandatory one, clarifying that ROs have a legal duty to meet all voters' needs to the best of their abilities in every instance;
- Easy Read and or pictorial formats of voting information at polling stations must be enshrined as a compulsory duty for ROs to make available at the point of need, as well as a greater obligation on ROs to make use of onsite during election days;
- Changes to poll cards' formatting and functionality must be communicated within a specified timeframe of no later than six weeks before scheduled elections and as soon as possible for unscheduled, and must be made available in Easy Read format to all voters as a statutory right;
- Equal access to both on-site and digital supports at polling stations must be enshrined within the guidance, as well as a mandatory duty to provide either when requested, in recognition of the fact that online does not mean universally accessible;
- Actively upskilling voters' political literacy in the run-up to and during election campaigns should be included as a statutory duty for Electoral Services Teams;
- The Commission should make significantly more proactive and regular offerings of accessibility training to ROs in order to maintain higher standards of working knowledge and best practice;
- Greater clarity is required from the Commission as to how ROs may establish and maintain partnerships with disabled persons' organisations (DPOs) at a community-level, particularly during the evaluation process;
- All evaluations and monitoring must be accessible to ensure that it captures the experiences of all voters regardless of disability.

Supporting Returning Officers to make voting more accessible

Do you think the suggested minimum requirements for equipment to be provided at the polling station are sufficient and reasonable?

We are pleased with the extensive list of assistive equipment outlined within the draft guidance, and is reflective of the constructive engagement between stakeholders and the Commission. Practical, on-site examples are usefully included of how ROs may utilise low-cost and readily available supports to meet voters' accessibility needs.

The guidance sets out a minimum standard of what equipment "should" be provided to support disabled voters. It is a positive development that this expectation is explicitly outlined, yet it must go further. A subsequent list is further elaborated on "other types of equipment that could

support voters to participate, which could also be provided in polling stations.” This is an area where the language must shift from a discretionary “could” to a compulsory “*should*.”

A greater emphasis on information materials and their provision should also be included in this section of the guidance. Of these, we would recommend sample ballot papers and Easy Read guides on how to fill them out to be prioritised. The guidance must also provide a clear understanding of what Easy Read means for ROs, ideally as “*easy to understand text accompanied by images to provide additional context*.” There must also be clear allowances for voters to take educational materials into the booth with them.

All provisions must be clearly sign-posted at every polling station insofar as possible, with a specified duty on ROs to ensure this.

The draft guidance must update its language around providing additional supports when requested. ROs are presently advised to “you should consider” requests and, at their discretion, “decide if it is reasonable to provide additional support and/or equipment to remove the substantial disadvantage the voter has identified and brought to your attention.” This must be changed to a requirement to meet everyone’s needs to the best of the RO’s abilities – a person’s disability should not prevent them from voting. Voting is a right and therefore a disability should not block people from exercising their right.

Does the draft guidance give enough information to support Returning Officers with providing training to support making voting accessible for all?

The guidance makes a frank appraisal of polling staff here, that “the actions and behaviours [they] demonstrate are key to making voters’ experience in the polling station a positive one.” We agree wholeheartedly with this truism and believe it should buttress any training for ROs’ engagement with voters, especially those with additional needs.

The guidance features several bespoke resources to help ROs understand the unique barriers to voting for specific disabilities, including ones from Mencap. This is a welcome inclusion and example of collaboration with charity partners; there must be a more comprehensive list clearly signposted within the guidance for ROs to easily access educational materials on how best to support voters with specific disabilities.

A more proactive offering must be adopted by the guidance – and Commission as a whole – to provide regular training to ROs. Existing relationships with advocacy groups and charities must be built upon to avail of new opportunities that continue crucial knowledge exchanges and the development of best practices. This must be enshrined within the guidance explicitly, and ROs encouraged to reach out to local groups to establish such partnerships.

Raising Awareness

Does the draft guidance give enough information for Returning Officers on how they can engage with voters and publicise information about elections and the support available to them?

Poll Cards

It is a welcome that poll cards will be reformatted into a more accessible letter version for voters to use at their local polling stations. However, there is that there are no clear actions or timeframe outlined for ROs to communicate this change to voters in enough time before an

election. Without this, it is likely that some people will believe they have not received their card and will contact staff looking for them – or be discouraged to vote. The draft guidance makes some useful suggestions for ROs to use the announcement as an opportunity to include additional information about polling stations and the voting process to voters, but details are scant as to when and how they should do this.

Our first recommendation therefore, would be for the guidance to specify a set of minimum actions for polling staff to undertake in communicating the changes to poll cards. This must be done in ample time so that voters can digest the information, with a view to provide refresher courses and materials upon request.

We appreciate that the Fixed-terms Parliament Act 2011's repeal complicates identifying an appropriate timeline as to when to disseminate this information in advance of a general election. We would therefore recommend it be communicated on an annual basis, covering every electoral format, including local government, central government, mayoral offices, Police and Crime Commissioners, the devolved legislatures, and referendums.

In terms of poll cards' provision, they must be provided in Easy Read format in both print and online as a statutory right. These must also be accompanied by clear instructions as to how to use them, again available online and in print at polling stations, with a clear duty on ROs to provide them when requested. We would further recommend that an accessible map of the local polling station be included in the poll cards' information pack, with pictorial aides and explanations to optimise voters' navigation.

Sample ballot papers

The new educational role the draft guidance envisages for these materials to support understanding of the voting process is a positive development. We would argue here that their online provision be strengthened from "could" to "should" provide them, and be explicitly included among the list of assistive equipment earlier in the guidance. As with poll cards, these resources must be clearly signposted and in enough time before an election.

Evaluation

Does the draft guidance effectively support Returning Officers to evaluate, learn lessons and build on their approach to supporting the needs of voters with disabilities for future polls?

We are pleased with the consultative role the draft guidance includes for voters, DPOs, and community partners in evaluating the electoral process' accessibility. There are several ways this can be more efficiently communicated to stakeholders, such as in the poll cards' information pack and by ROs on-site after voters have cast their ballots.

Easy Read surveys' inclusion as part of the different mechanisms ROs can gather insights is another positive step; we would recommend that any surveys carried out be made equally available in Easy Read format and that poll card letters include information as to what kinds of surveys voters can expect as part of this process.

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