

## Ensuring that voting is accessible | Electoral Commission

Guidance for Returning Officers - Assistance with voting for disabled voters You are in the Guidance for Returning Officers - Assistance with voting for disabled voters section Home Guidance for Returning Officers - Assistance with voting for disabled voters View the navigation tree Go to main guidance section: Guidance for Returning Officers - Assistance with voting for disabled voters Ensuring that voting is accessible Understanding the barriers to voting for disabled people Providing equipment at the polling station that enables or makes voting easier for disabled voters Ensuring those working to support the poll are aware of accessibility needs Raising awareness about the voting process and support available Reviewing the election Ensuring that voting is accessible Every voter should have the right to vote independently and in secret. However, we know that disabled people including blind and partially sighted people face barriers to voting which include: their voting rights not being communicated in an accessible way not having the support they need when registering to vote or voting physical, psychological and information barriers when voting at a polling station the method of voting - making a cross in a specific location on a piece of paper - being a principally visual exercise The Equality Act defines having a disability as having a physical or mental condition which has a substantial and long-term impact on the ability to do normal day to day activities. A disability can be as a result of a medical condition: for example, someone with arthritis in their hands may have difficulty gripping things without the use of an auxiliary aid. But a disability does not have to be a diagnosed medical condition and can include physical or psychological impairments that can be visible and invisible. For example, if a person experiences depression, they may have difficulty concentrating - as well as physical impairments, such as extreme tiredness. This guidance will help you to consider barriers to voting, how you can ensure you and your staff are aware of them, and how you can identify and provide support and equipment at polling stations to enable, or make it easier for, disabled people to vote independently and secretly. The requirement in the Elections Act 2022 for Returning Officers to provide reasonable equipment to enable or make it easier for disabled voters to cast their vote independently and in secret replaces the previous limited and prescriptive requirements. This requirement also sits within the broader legal framework of rights and protections for disabled people and specific provisions in electoral law to help to safeguard and improve the experience of disabled voters. Equality Act 2010 Under the Equality Act 2010, ROs in Great Britain have had a duty to anticipate the needs of disabled voters and make reasonable adjustments to remove substantial disadvantage for those voters. This means ROs must take steps to understand and anticipate on an ongoing basis the needs of disabled voters – with different types of disability, support and access requirements within their area so that they can make informed decisions about how best to meet these needs by making reasonable adjustments, including providing appropriate equipment and support. This is known as the anticipatory duty. Section 149 of the Equality Act also requires public authorities and those exercising public functions to comply with the Public Sector Equality Duty to have due regard to the need to advance equality of opportunity by encouraging participation in public life, which would include voting. The Equality and Human Rights Commission have published information on the anticipatory duty and criteria for making reasonable adjustments , and guidance on meeting the Public Sector Equality Duty under the Equality Act 2010. While this information is not written specifically for Returning Officers, it offers some helpful guidance on: what the anticipatory duty and making reasonable adjustments

means practical examples of making reasonable adjustments the steps that are legally required, as well as recommended actions, to comply with the Public Sector Equality Duty Northern Ireland Act 1998 Section 75 of the Northern Ireland Act 1998 requires all government bodies, which includes the Chief Electoral Officer, to promote equality of opportunity between those with a disability and those without when carrying out their functions. This duty applies to policy development, policy implementation and the provision of services (including the running of elections).

Disability Discrimination Act 1995 In Northern Ireland, the Disability Discrimination Act 1995 requires that public authorities, which includes the Chief Electoral Officer, make reasonable adjustments to remove any substantial disadvantage for disabled people.

Representation of the People Act 1983 There are specific provisions in the RPA 1983 which support the accessibility of elections for disabled voters.

Section 199B of the RPA 1983 You must, when you consider it appropriate to do so, ensure election notices are translated or provided in alternative formats. You may produce them:

- 1 in braille
- 2 in languages other than (or, in Wales, and Welsh)
- 3 using graphical representations
- 4 in audio format
- 5 using any other means of making information accessible

Schedule A1 to the RPA 1983 You must consider the accessibility of potential polling stations when considering designating or reviewing a polling place.

6 The relevant authority 7 must seek representations from those who have a particular expertise in relation to access to premises or facilities for persons who have different forms of disability.

8 Our polling district review guidance contains more information about this duty and includes an accessibility checklist that can be used to assess the suitability of each polling place and polling station.

Elections Act 2022 The Elections Act 2022 introduced provisions to assist blind, partially sighted and other disabled voters at polling stations. The Act: creates a requirement for you to provide each polling station with such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons 9 to vote independently and in secret requires you to have regard to the Commission's guidance on the equipment to provide at polling stations.

10 This guidance can be found in Providing equipment at the polling station that enables or makes voting easier for disabled voters extends the rules about who can act as a companion to include anyone who is over the age of 18 11 The wording of the provisions recognises the variations in what people need to be able to vote, so that they may access the most appropriate support for each of them, ensuring the widest possible assistance, support, innovation and accessibility. The terms used reflect that the duty is for ROs to both enable voting for those who find it impossible, and make it easier for those who find it possible but difficult. These provisions apply to the following polls:

- UK Parliamentary elections
- Police and Crime Commissioner elections in England and Wales
- Local elections in England and Northern Ireland
- Mayoral elections in England
- GLA elections
- Assembly elections in Northern Ireland
- Neighbourhood Planning Referendums
- Council Tax Referendums

The requirements under the Elections Act do not apply to elections to the Scottish Parliament or the Senedd, or to local elections in Scotland and Wales. However, the duties under the Equality Act 2010 which relate to ensuring that voting is accessible to disabled voters do apply to those elections.

1. Section 199B(2)(a) Representation of the People Act 1983 (RPA 1983) ■ Back to content at footnote 1

2. S.199B(2)(b) RPA 1983 ■ Back to content at footnote 2

3. S. 199B(2)(c) RPA 1983 ■ Back to content at footnote 3

4. S.199B(3) RPA 1983 ■ Back to content at footnote 4

5. S.199B(2)(d) RPA 1983 ■ Back to content at footnote 5

6. S.18B(4(c)) Sch A1, RPA 1983 ■ Back to content at footnote 6

7. S.18E RPA 1983 ■ Back to content at footnote 7

8. S.4(1) Sch A1 RPA

1983 ■ Back to content at footnote 8 9. Relevant persons are defined in the legislation as those who find it difficult or impossible to vote due to blindness, partial sight or another disability ■ Back to content at footnote 9 10. Rule 29(3A)(b) Sch1, RPA 1983 ■ Back to content at footnote 10 11. Rule 39(2)(b)(i), Sch 1, RPA 1983 ■ Back to content at footnote 11 Last updated: 29 March 2023 Book traversal links for Ensuring that voting is accessible Guidance for Returning Officers - Assistance with voting for disabled voters Understanding the barriers to voting for disabled people