# RNIB logoPolicy briefing on the accessibility changes proposed in the Elections Bill

### 1. Voting experiences of Blind and partially sighted people

1.1 Blind and partially sighted people experience a unique set of challenges when voting. The practical act of voting - making a cross in a specific location on a piece of paper - is fundamentally a visual exercise. It requires the ability to locate the boxes, read the names of the candidates and make a mark on the paper.

1.2 Current provisions provided in every polling station to allow blind and partially sighted people to vote are a large print ballot paper which can be used for reference, and a tactile voting device (TVD), a plastic template which fits over the ballot paper and enables a blind or partially sighted voter to locate the boxes. However, there is no way within this system to review the candidate lists without relying on sight. In practice, because of this inability to read the names of the candidates on the ballot paper, the majority of the 350,000 blind and partially sighted people in the UK currently find it impossible to vote without having to share their vote with a companion or presiding offer in the polling station, often finding they have to name the candidate they want to vote for out loud.

1.3 As a result, despite 2022 marking 150 years since the Ballot Act guaranteed the right to vote in secret, three quarters of blind and partially sighted people are unable to exercise this right. RNIB figures from UK elections in May 2021 found 4 in 5 blind people felt they were unable to vote both independently and in secret.

1.4 Over the years we have heard of the frustration and humiliation that blind and partially sighted people experience when they are unable to vote independently and in secret. RNIB survey respondents have given many examples of the impact this has:

* “The voting booth was right beside the queue for the check in desk; it wasn’t closed off and I had to verbalise my choice to my partner. When telling her which candidate I wanted, a person waiting in the queue beside the booth, audibly sighed. I don’t feel I get privacy in my vote.”
* “The lady had to read out the candidates to me and point out the one I wanted to vote for. It was slightly humiliating... Don’t get me wrong – the ladies were lovely and kind but it wasn’t secret or independent.”
* “My helper disagrees with my vote and I have no way to be sure she voted as I wished… “
* “As it stands, it’s a totally humiliating experience from start to finish, no assistance offered at any stage with people there just making assumptions that everyone can see.”
* “I usually have my partner with me to help which makes things easier but today I was alone which made me realise just how dependent I am on others. Very negative from start to finish.”

1.5 In 2019, a Judicial Review found the Government’s current provisions to support blind and partially sighted voters unlawful, with the judge describing existing provisions as “a parody of the electoral process” because of the inability of voters to review the ballot paper independently using equipment provided and then make their mark. For this reason we have been working with the Cabinet Office for two years on the development of a new way to vote independently, which could be prescribed instead of the tactile voting device alone. In the model which has been agreed upon, and the Cabinet Office were originally planning to introduce in time for 2021 elections before plans were halted by procurement difficulties, blind and partially sighted voters would be given an audio player alongside the TVD to read out the names on the ballot paper, meaning there was no need for an assistant or presiding officer to help by reading out the candidates.

1.6 This way of voting was trialled in polling stations in Norfolk in the May 2021 elections. Satisfaction rates among those who used it (a small sample because of the scope of the trial) were 91%, compared with 39% among blind and partially sighted voters across the rest of the country with access to the tactile voting device alone.

1.7 Whether the trialled solution of an audio player used with a tactile voting device is adopted, or another solution, it is essential that there is a minimum standard of equipment uniformly available in every polling station to ensure that blind and partially sighted people can exercise their right to vote in secret.

**2. Diminished legal protection for blind and partially sighted voters**

2.1 While we welcome the Elections Bill’s stated ambition to make voting more accessible for disabled people, we’re extremely concerned that the wording in the proposed legislation is inadvertently reducing the legal protections for blind and partially sighted people.

2.2 Currently the Representation of the People Act 1983 says:

(3A) The returning officer shall also provide each polling station with-

(a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and

(b) a device of such description as may be prescribed for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion

The Elections Bill replaces sub-paragraph (b) with:

(b) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote in the manner directed by rule 37.

2.3 This weakens the guarantees for blind and partially sighted people in three ways:

1. Individual Returning Officers, instead of the Government, will now make the decision as to what to provide, creating a postcode lottery of provision. This will introduce uncertainty and anxiety amongst blind and partially sighted voters as they won’t know what to expect at polling stations or what they are entitled to.
2. The introduction of the word “reasonable” means that a Returning Officer could decide they don’t think the provision of a tactile voting device, or other such equipment to enable an independent vote, is reasonable.
3. In addition, the loss of the words “without any assistance” means there is less clarity that the right to an independent and, therefore, secret vote is afforded to blind and partially sighted people; as it should be to any voter under the principles established by the Ballot Act 150 years ago.

2.5 Having read explanatory notes behind the Bill and additional evidence from government, we surmise this particular change has been proposed in order to:

1. Address a concern that as the tactile voting template is prescribed in law it is difficult to change and likely to become outdated
2. Address a concern that the tactile voting device does not work
3. Ensure voters with other disabilities also receive adaptations they require
4. Allow for innovation to support disabled voters

2.6 The tactile voting device is not prescribed in statute; the legislation instead makes reference to “a device of such description as may be prescribed”. Instead it is prescribed in regulations and as such should be relatively simple to update in light of technological developments. We therefore disagree that removing this protection is proportionate based on the impact it would have on blind and partially sighted voters.

2.7 As detailed above, we wholeheartedly agree that the tactile voting device alone does not work as a method to ensure an independent vote, which is why we have been collaborating with the Cabinet Office on alternative solutions that could be prescribed instead. However, in the revised wording proposed, an individual returning officer could decide that even the tactile voting device is not ‘reasonable’ to provide, lessening the accessibility of voting even compared to today.

2.8 It is essential that whatever solution is prescribed to enable blind and partially sighted people to vote is done so at national level. RNIB and the Cabinet Office already experience difficulties in communicating to polling stations that the tactile voting device is required and voters frequently report being told it is not available. We had plans to counter this by retraining staff with the introduction of the audio player with the Electoral Commission and Cabinet Office. Moving the decision regarding what adaptations to provide to returning officer level would result in even more of a patchwork of provision and make it very difficult for blind and partially sighted people to know what to expect and to obtain the adjustments they need, damaging the ability to vote independently even further.

2.9 While the Equality Act already requires returning officers to make reasonable adjustments in the polling station, we recognise it could well be useful to reiterate this again in law.

2.10 We believe concerns about rigidity of wording and improving accessibility of voting for other disabled people would be addressed with a very small change – supplanting the words “a device” with “equipment” so the law reads like this:

(3A) The returning officer shall also provide each polling station with-

(a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and

(b) **equipment** of such description as may be prescribed for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion

And then inserting the Government’s proposed clause as additional protection for other disabled voters:

(c) such equipment **as it is reasonable** to provide for the purposes of enabling, or making it easier for, relevant persons to vote in the manner directed by rule 37.

2.11 This small change avoids being overly prescriptive and allows for future solutions that may be developed for disabled voters, without compromising the legal protections for blind and partially sighted people today.

2.12 This change still allows for innovation for all disabled voters. Even under the current legislation with a prescribed solution that sets out a minimum standard on provision, the Cabinet Office was able to provide additional advice to returning officers ahead of elections in December 2019, clarifying that they may wish to permit blind or partially sighted voters to use magnifiers or mobile phone apps to assist in voting as a reasonable adjustment under the Equality Act. As such, there is no restriction in law on local innovation by returning officers beyond the minimum standard to support disabled voters, indeed the Equality Act already obliges them to make reasonable adjustments for all disabled people.

### 3 About RNIB

3.1 The Royal National Institute of Blind People (RNIB) is the UK’s leading sight loss charity and the largest community of blind and partially sighted people. We provide a wealth of services including practical and emotional support through our RNIB Connect community and our Sight Loss Advice Service, guide business and public services on accessibility, campaign for change, and have a library of over 60,000 accessible reading materials, including daily newspapers.

3.2 Every day 250 people begin to lose their sight. We want society, communities and individuals to see differently about sight loss.

### 4 Elections Bill: Proposed text changesIn Part One: Administration and Conduct of Elections, the draft bill amends Schedule 1 of the RPA 1983 (Parliamentary elections rules) on page 11, at line 12, in clause 8, ‘Assistance with voting for persons with disabilities’.

The text changes we would wish to see are set out as follows:

1. **Schedule 1, Clause 8: page 11, line 16, insertion of a new clause:**

In clause 8, we recommend the insertion of new sub-clause (2) (b) in place of the proposed sub-clause (2) (b) put forward by government, in lines 17 to 21. This insertion maintains existing provisions for blind and partially sighted voters.

Our insertion would be:

(2) (b) equipment of such description as may be prescribed for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion;

1. **Schedule 1, Clause 8, insertion of sub-clause (2) (c) : page 11, after line 21:**

We propose maintaining the proposed clause (2) (b) but this would now become (2) (c) as a result of the insertion listed above:

(c) such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, relevant persons to vote in the manner directed by rule 37.

For more information, please contact publicaffairs@rnib.org.uk