

**EXPLANATORY MEMORANDUM TO
THE GREATER LONDON AUTHORITY ELECTIONS RULES 2007**

2007 No. 3541

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Rules make provision for the conduct of Greater London Authority elections which comprise the election of the Mayor of London and the London Assembly made up of 14 constituency members and 11 London members.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 These Rules revoke and replace the Greater London Authority Elections (No.2) Rules 2000 (S.I. 2000/427) (“the 2000 Rules”).

4.2 This instrument is part of a package of secondary legislation needed for the effective running of the Greater London Authority (GLA) ordinary day elections planned for Thursday, 1 May 2008.

4.3 The other instruments required for the purposes of those elections are the draft Greater London Authority Elections (Elections Addresses) (Amendment) Order 2008, which will be laid after Christmas and is subject to the affirmative resolution procedure, and the Greater London Authority (Relevant Registration Officers) Order 2007, which was made at the same time as this Order, but which is subject to no Parliamentary procedure (that Order will be available from the Ministry of Justice website and brought to the attention of all relevant stakeholders).

5. Extent

5.1 These Rules apply to England.

6. European Convention on Human Rights

6.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The conduct rules for the running of the GLA elections are currently contained in the Greater London Authority Elections (No.2) Rules 2000 (S.I. 2000/427) (2000 Rules).

7.2 These Rules revoke and replace the 2000 Rules. There are two policy objectives underlying them.

7.3 The first objective is to implement changes to electoral practice introduced by the Electoral Administration Act 2006(c. 22) (“the 2006 Act”). The 2006 Act made provision in respect of the administration of parliamentary and local government elections. The changes made by the 2006 Act to electoral administration at Parliamentary and in separate rules for other types of local government elections are now reflected in the revised GLA rules. In particular, the GLA rules:

- reflect new security measures introduced by the 2006 Act. Security markings on ballot papers are provided for; so too are unique identifying marks. Counterfoils on ballot papers are replaced by corresponding number lists. Requirements are imposed requiring postal voters and postal proxies to provide both their signature and date of birth when returning postal ballot papers;
- reflect changes made to nomination procedures. All candidates, including those included on a party list, may use their common names on nomination forms and ballot papers. The rules on the use of authorised descriptions by candidates standing on behalf of registered political parties are amended to reflect amendments made to the Political Parties, Elections and Referendums Act 2000 (c.41) (in sections 28A and 28B). Constituency Returning officers will be able to correct minor errors on nomination papers;
- reflect alterations as to the circumstances in which a person may give a tendered vote. New requirements are introduced as to the information and accessibility of information to be provided by Constituency Returning Officers to electors;
- reflect the changes made as to the persons who may be admitted to a polling station and the count to observe elections;
- provide for transmission of information to a presiding officer of alterations to the electoral register taking effect on the day of the poll; and
- amendments consequential upon the introduction of a scheme for the anonymous registration of certain electors are included.

7.4 The second objective of these rules is to implement recommendations from the Greater London Returning Officer (“GLRO”) following a review of the June 2004 Authority elections. In particular, the Rules for each of the contests for the Constituency member, London member and Mayoral contest are drafted on the basis that electronic counting is the default method of conducting the count; the result of count will distinguish between completely blank or unmarked ballot papers and those that are ‘void for uncertainty’ to take account of the legitimate right of the elector not to use all of the four votes he has in the GLA elections (first and second preference vote for the candidate for Mayor, and a vote for both the constituency member and the London member in the London Assembly contests); and the election timetable has been extended from 25 days to 30 days to give the GLRO extra five days to get the GLA Election Addresses Booklet printed and distributed to electors.

7.5 These Rules were developed working closely with the GLRO who has the key responsibility for the planning and delivery of the GLA elections in May 2008.

7.6 The views of electoral administrators in the London boroughs have been sought in the development of these Rules. The Electoral Commission were consulted on a draft of these Rules as required by section 7(1) and (2)(d) of the Political Parties, Elections and Referendums Act 2000 (c. 41).

7.7 The Electoral Commission have a key role in issuing guidance and assistance to Returning Officers on the running of elections, under section 10(3) of the Political Parties, Elections and Referendums Act 2000 (PPERA).

7.8 The detailed procedural Rules for the Authority elections are set out in Schedules 1 to 8.

7.9 Schedules 1 to 3 apply to Authority elections whether held to fill a vacancy in accordance with sections 10, 11 or 16 of the Greater London Authority Act 1999 or an ordinary day authority election where an electronic counting system is used. The provisions of Schedules 1 to 3 are subject to modifications set out in schedule 4 for a manual count situation.

7.10 The equivalent Rules where such an election is held in combination with another type of election or referendum are contained in Schedules 5 to 7. Similarly the provisions of Schedules 5 to 7 are subject to modifications set out in Schedule 8 for a manual count.

7.11 Schedule 9 contains provisions governing the content of notices for the guidance of voters to be used at Authority elections. Schedule 10 contains the forms for use at the elections.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Any queries about the content of this memorandum should be addressed to: Shashi Langham at the Ministry of Justice, e-mail: Shashi.Langham@justice.gsi.gov.uk