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EXPLANATORY MEMORANDUM TO

THE GREATER LONDON AUTHORITY ELECTIONS (AMENDMENT) RULES 2012

2012 No. 198

1. This explanatory memorandum has been prepared by Cabinet Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the Instrument**
 - 2.1 This instrument amends the Greater London Authority Elections Rules 2007 (SI 2007/3541) (“the 2007 Rules”) that make provision for the conduct of the Greater London Authority elections to address issues that have arisen in the conduct of these elections concerning the use of emblems on ballot papers by candidates jointly representing two or more parties, and the subscription of candidates’ nomination papers by electors, and to make a number of drafting and technical changes to the 2007 Rules.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 These Rules make a number of changes to the 2007 Rules which are being implemented ahead of the next scheduled Greater London Authority elections on Thursday, 3 May 2012.
5. **Territorial Extent and Application**
 - 5.1 These Rules apply to England.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 The Greater London Authority elections comprise the election for the Mayor of London and London Assembly made up of 14 Constituency Members and 11 London Members.
 - 7.2 The Rules make changes to the 2007 Rules to address certain issues that have arisen in the conduct of the Greater London Authority elections and the drafting of the 2007 Rules.
 - 7.3 At the UK Parliamentary General Election in May 2010, it became clear that amendments to electoral legislation made by the Electoral Administration Act 2006 had had the unintended effect of preventing candidates standing on behalf

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of two or more registered political parties at UK Parliamentary elections from using a party emblem registered by one of those parties on the ballot paper.

- 7.4 These provisions had been mirrored in the rules governing the conduct of various other elections, including the 2007 Rules governing the conduct of Greater London Authority elections. This instrument addresses the oversight in the 2007 Rules, allowing candidates who are authorised to stand on behalf of more than one party at a Constituency Members election and Mayoral election to use a registered emblem on the ballot paper, if they wish to do so.
- 7.5 This instrument also clarifies an issue that has arisen in relation to the subscription of candidates' nomination papers by electors at a Mayoral election. The notes on the Form of Nomination Paper for Mayoral elections, set out in Schedule 10 to the 2007 Rules indicate that an elector may not subscribe to more than one nomination paper. However, it is unclear from the express wording of the Mayoral Election Rules as to whether they prevent an elector from subscribing the nomination paper of more than one candidate. The instrument addresses the discrepancy between these two provisions by providing that at a Mayoral election an elector may only subscribe the nomination paper of one candidate, and that nomination papers that contain inoperative subscriptions within the required 330 (10 electors from each of the 32 London boroughs and 10 from the City) are to be deemed invalid. The purpose of this change is to ensure that the position at Greater London Authority elections is consistent with that at other elections, for example, UK Parliamentary elections, where in essence an elector may only subscribe for as many candidates as there are vacancies in the constituency in which the elector lives. The instrument also makes changes to the notes for candidates on the three nomination forms in Schedule 10 (which are revoked and replaced by the new forms) in respect of the use of commonly used names by candidates to make the instructions clearer for candidates.
- 7.6 We decided that, whilst making these various substantive changes, it would also be sensible to make a small number of drafting and technical amendments to the 2007 Rules. For example, the Rules amend the Constituency Members Election Rules and London Members Election Rules to correct a typographical error in relation to provisions concerning declaration of the result by removing references to "first preference" votes which are not used in the electoral system for these elections. The instrument also amends rule 6 of the 2007 Rules to clarify that the Combined Manual Count Rules referred to in that rule are found at Schedule 8 to the 2007 Rules.

8. Consultation outcome

- 8.1 The Lord President of the Council has consulted the Electoral Commission in preparing this instrument in accordance with section 7(1) and (2)(d) of the Political Parties, Elections and Referendums Act 2000. The Electoral Commission was broadly content with the proposed changes. The Electoral Commission in responding to the proposed changes recommended some changes to the wording of the notes for candidates on the three nomination forms in respect of the use of commonly used names which, as indicated in paragraph 7.5, have been incorporated in the final version of the instrument. The Electoral Commission also made a number of suggestions, for example, in relation to the nomination procedure for candidates, that we consider raise wider

issues that should be considered in the context of elections as whole, rather than in relation to particular elections, and we do not propose to make any changes in respect of them for Greater London Authority elections alone. The Commission also reiterated its earlier recommendation that the UK Government should change the law for the 2012 elections in London to make clear that eligible electors who are entitled to vote at a polling station and who are in the queue to enter the polling station at the close of poll will be allowed to vote. The Government in its response to the reports by the Electoral Commission and other bodies on the 2010 General Election stated that the problems that arose at certain polling stations at the 2010 General Election were largely due to inadequate planning and contingency arrangements being in place, and addressing these should be the priority before looking at a legislative solution. The Government has said that it will work with the Commission and other electoral stakeholders to ensure that adequate guidance on planning and contingency procedures is available, and that administrators have the support they need to carry out their duties, and we will follow this approach for the Greater London Authority elections in May 2012.

- 8.2 The views of the Greater London Returning Officer (GLRO) have also been taken into account in the development of these Rules and the GLRO is supportive of the proposed changes.

9. Guidance

- 9.1 At Greater London Authority elections, the Electoral Commission in co-operation with London Elects issues guidance to the GLRO, electoral administrators, candidates and political parties on matters relating to the conduct of the elections and we therefore expect that the Electoral Commission and London Elects will include information about these changes, and how they impact upon electoral law and the administration of elections, in future guidance to these persons and bodies. Cabinet Office officials will ensure that the Electoral Commission and other key electoral stakeholders are aware of the changes being made to the 2007 Rules.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector is minimal.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 The Electoral Commission produces reports on the administration of elections which will normally include an assessment of any changes to electoral legislation, and we would expect that the Electoral Commission will cover the changes made by this instrument in its future election reports.

13. Contact

Peter Richardson at the Cabinet Office Tel: 020 7271 6433 or email: peter.richardson@cabinet-office.gsi.gov.uk can answer any queries regarding the instrument.