

**EXPLANATORY MEMORANDUM TO  
THE LOCAL ELECTIONS (PRINCIPAL AREAS) (ENGLAND AND WALES)  
(AMENDMENT) RULES 2014**

**2014 No. 494**

**AND**

**THE LOCAL ELECTIONS (PARISHES AND COMMUNITIES) (ENGLAND AND  
WALES) (AMENDMENT) RULES 2014**

**2014 No. 492**

- 1.** This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.
- 2. Purpose of the instruments**
  - 2.1 These two instruments make updates to the rules for the administration and conduct of local government, and parish and community council elections in England and Wales and replicate some of the changes made for UK Parliamentary elections by the Electoral Registration and Administration Act 2013 (c.6) (the “ERA Act”) and associated secondary legislation.
- 3. Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
- 4. Legislative Context**
  - 4.1 The Local Elections (Principal Areas) (England and Wales) (Amendment) Rules 2014 amend the Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304) which set out the rules governing the conduct of local government elections in England and Wales. The Local Elections (Parishes and Communities) (England and Wales) (Amendment) Rules 2014 amend the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305) which set out the rules governing the conduct of parish and community council elections in England and Wales. The two instruments make the same substantive changes to their respective elections. They are needed to support the effective administration and conduct of local government, and parish and community council elections in England and Wales.
  - 4.2 A number of the provisions in the instruments replicate, for local government, and parish and community council elections, amendments that have been made for the conduct of UK Parliamentary elections by the ERA Act and the Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013 (S.I. 2013/3198). The instruments also make some minor consequential and incidental changes, for example to update statutory references that have been amended. These changes have already been made for European Parliamentary elections by the European

Parliamentary Elections (Amendment) Regulations 2013 (S.I. 2013/2876) and for Local Authority Mayoral elections by the Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/370). The instruments therefore form part of a group of instruments intended to improve the voting experience for voters, and which also include provisions to improve ballot papers and other forms used by voters.

## **5. Territorial Extent and Application**

5.1 The instruments extend to local government, and parish and community council elections in England and Wales.

## **6. European Convention on Human Rights**

6.1 As the instruments are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The instruments make provision for a number of changes to the conduct of local government, and parish and community council elections. As mentioned above, many of these changes have been made for UK Parliamentary elections by Part 2 of the ERA Act and the Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013.

7.2 These changes will apply to local government, and parish and community council elections falling on or after 22 May 2014 and are being made now so they can have effect, in particular, at the local elections in England scheduled for that date. They are designed to improve the accessibility and security of the voting process, and implement recommendations which have been made by (amongst others) the Electoral Commission and the Association of Electoral Administrators.

7.3 These instruments make the following changes:

- Changes to the timing of certain proceedings at local and parish and community council elections which will ensure there is greater consistency with the position at other elections, and will facilitate the earlier despatch of postal votes. In particular: the deadline for candidates to submit their nomination papers becomes 4pm on the 19<sup>th</sup> working day before polling day, regardless of whether or not the local or parish and community council election is combined with another poll; the deadline for candidates to withdraw their nomination is moved from 4pm on the 16<sup>th</sup> working day before the poll to 4pm on the 19<sup>th</sup> working day before the poll; and the deadline for the publication of the statement of persons nominated becomes 4pm on the eighteenth day before polling day. These changes will support changes being made elsewhere (in the ERA Act and associated secondary legislation) to enable postal votes to be issued to postal voters sooner than at present, including removing the current restriction that prevents postal ballot papers being sent out to postal voters before the 11th working day before the date of the poll.
- Improvements to the ballot paper and other voting forms for accessibility – the intention is to ensure that the forms which voters use at elections are as clear

and easy to use as possible to improve the voter's experience and encourage more effective engagement in the voting process.

- Reflecting for local government and parish and community council elections, the ERA Act's provision for UK Parliamentary elections whereby voters waiting in a queue at the close of poll (i.e. at 10pm on polling day) for the purpose of voting, may be issued with a ballot paper and cast their vote, and also to provide for the return of postal ballot papers and postal voting statements by voters in a queue at close of poll.
- Enabling Police Community Support Officers to enter polling stations and counting venues under the same conditions as police constables in England and Wales.

## **8. Consultation outcome**

- 8.1 The Electoral Commission has been consulted on these instruments as required by sections 7(1) and (2)(d) of the Political Parties, Elections and Referendums Act 2000 (c.41). In addition, we have consulted informally with representatives of the Association of Electoral Administrators (AEA), the Society of Local Authority Chief Executives and other interested parties (in particular, SCOPE on the design of the forms). In addition, the Cabinet Office has undertaken a programme of public user-testing of the revised voting forms (including the ballot paper, poll cards and postal voting statements).
- 8.2 The Electoral Commission's response supported the Government's planned changes to the conduct rules for local government and parish and community council elections. The Electoral Commission made some comments on the ballot paper and the directions as to the printing of the ballot paper for the two types of elections. We have decided not to make changes in respect of them as we consider that the proposed new wording of the directions, which reflects public user-testing, is sufficiently clear and will improve the layout and clarity of the ballot paper.
- 8.3 The proposed changes to the ballot paper for local government, and parish and community council elections included removing numbers against the names of candidates on the ballot papers. However, following the formal consultation with the Electoral Commission, in January 2014, the AEA raised concerns that the proposal to remove numbers against candidates on the ballot paper would lead to difficulties with the counting of votes in multi-member contests at local government and parish elections. This is because the current practice at some counts for these polls is for counters to call out numbers for the candidates voted for on any given ballot paper, which are recorded by another counter, and this would not be possible if numbers are removed and could lead to longer counts. Political parties were also consulted as the AEA identified they may have particular issues with the local election ballot paper too, and they also raised concerns around the removal of numbers on the ballot paper at local and parish elections since the numbers on the ballot paper may be referred to by the political parties in their election material in order to help their supporters identify the candidates standing for the party on ballot papers.
- 8.4 In light of the concerns raised, the Government has concluded that in the interim numbers should be retained against candidates on the ballot paper for local government and parish and community council elections, and the form of the

ballot papers in the two instruments provides for candidates' names to be numbered. The Electoral Commission has indicated that given the concerns that have been raised close to the scheduled local elections in England in May, it agrees with the Government's approach for the polls in May 2014 in order to get the instruments out for Returning Officers to use and prepare effectively for these polls, though the matter should be given further consideration after this set of elections.

## **9. Guidance**

9.1 The Electoral Commission will continue to issue guidance relating to the conduct of elections.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 A separate full regulatory impact assessment has not been prepared for this instrument because no impacts on the private, public or voluntary sectors are foreseen.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The Cabinet Office keeps all electoral legislation under review to ensure it continues to support electors' participation in elections and effective electoral administration. Furthermore, the Law Commission is undertaking a review of electoral legislation. It issued a scoping report on 11 December 2012 and expects to issue a consultation on reforming the law in late 2014.

## **13. Contact**

**Peter Richardson** at the Cabinet Office, tel 020 7271 6433: email: [peter.richardson@cabinet-office.gsi.gov.uk](mailto:peter.richardson@cabinet-office.gsi.gov.uk) will be able to answer any queries regarding these instruments.