

**EXPLANATORY MEMORANDUM TO**  
**THE GREATER LONDON AUTHORITY ELECTIONS (AMENDMENT) RULES**  
**2016**

**2016 No. 24**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 This instrument makes changes to the rules for the administration and conduct of elections to the Greater London Authority (GLA), and to the ballot papers and forms used by voters at those elections. In particular, the instrument applies electoral conduct provisions that were contained in the Electoral Registration and Administration Act 2013 (c. 6) (the “ERA Act”) and which have not otherwise been applied to GLA elections by virtue of changes made to the legislation that governs local elections more generally.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

**4. Legislative Context**

- 4.1 The Greater London Authority Elections (Amendment) Rules 2016 (the “2016 GLA Rules”) amend the Greater London Authority Elections Rules 2007 (S.I. 2007/3541) (the “2007 GLA Rules”) which set out the rules governing the conduct of elections to the GLA.
- 4.2 A number of the provisions in the 2016 GLA Rules replicate, for GLA elections, amendments that have been made for the conduct of UK Parliamentary elections by the ERA Act, and for other polls, including, for example, local mayoral elections by the Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2014 (S.I. 2014/370).
- 4.3 The 2016 GLA Rules are therefore part of a wider package of Statutory Instruments which make various changes to the rules for conducting elections and referendums.

**5. Extent and Territorial Application**

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England only.

## **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**

### *What is being done and why*

7.1 The 2016 GLA Rules make provision for a number of changes to the administration and conduct of elections to the GLA. Many of these changes have already been made for UK Parliamentary elections by Part 2 of the ERA Act 2013, and under associated secondary legislation for other types of elections, including European Parliamentary, local government and local mayoral elections. These changes are designed to improve the accessibility and security of the voting process, and implement a number of recommendations which have been made by (amongst others) the Electoral Commission and the Association of Electoral Administrators.

7.2 The instrument will do the following for GLA elections:

- Change the timing of certain proceedings 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 24<sup>th</sup> working day before polling day; the deadline for candidates to withdraw their nomination is moved from noon on the 21<sup>st</sup> working day before polling day to 4pm on the 24<sup>th</sup> working day before polling day; and the deadline for the publication of the statement of persons nominated becomes 4pm (instead of noon) on the 22<sup>nd</sup> working 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.
- Provide that at constituency member elections, a candidate who is nominated in more than one constituency and who does not withdraw in all but one by the deadline for withdrawal of candidature will be deemed to have withdrawn his or her candidature in all constituencies.
- Update ballot papers and other forms used by voters to improve their accessibility and to provide greater consistency across elections. 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
- The proposed new ballot paper for London Mayoral elections is modelled on the ballot paper for Police and Crime Commissioner (PCC) elections (as set out in the Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917)) which was developed after public user-testing. Both PCC and London Mayoral elections are held under the Supplementary Vote system.
- The new ballot papers for elections to the London Assembly (constituency and London member contests) are in line with the changes made to the ballot papers for European Parliamentary elections (by the European Parliamentary Elections (Amendment) Regulations 2013 (S.I. 2013/2876)), and for local government and parish council elections (see S.I. 2015/103 and S.I. 2015/104) and the ballot paper for UK Parliamentary elections, as set out in the Representation of the People (Ballot Paper) Regulations 2015 (S.I. 2015/656).

- The instrument includes a provision making clear that the election forms (which include the ballot papers) may be adapted for the purposes of electronic counting, where that is required, and that for that purpose the returning officer may also depart from the directions as to printing the ballot papers. This change has been made at the request of the GLRO because ballot papers are counted electronically at London Mayoral and Assembly elections, and the existing ballot papers have been tried and tested over a series of polls, with refinements made to their layout and design to reflect that ballot papers are counted electronically. The provision will allow changes to be made to the new ballot papers to ensure that they are compatible with the electronic counting machines used at these polls. Ensuring ballot papers are clear and accessible for voters will remain a key consideration, and where the GLRO makes use of the provision it will be to ensure that the arrangements for the counting of votes are robust and command the confidence of parties, candidates and voters alike.
- Provide that 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 that those in the queue for the purpose of returning a postal ballot paper or postal voting statement may return it.
- Enable police community support officers to enter polling stations and counting venues under the same conditions as police constables. This ensures that the changes made by the ERA Act to the parliamentary elections rules are reflected for these elections.
- These changes will apply at future London Mayoral and London Assembly elections. The next scheduled elections are due to be held in May 2016.

### *Consolidation*

7.3 The Law Commission is currently conducting a review into the desirability and feasibility of consolidating electoral law. In the meantime there are no plans at this time to consolidate amendments that have been made to the 2007 GLA Rules.

## **8. Consultation outcome**

8.1 The Electoral Commission has been consulted on the instrument. In addition, the Cabinet Office has consulted informally with representatives of the Association of Electoral Administrators, the Society of Local Authority Chief Executives, and the GLA. The changes to the ballot papers and other voter forms are in line with changes made to forms for other polls in other instruments on which we have consulted interested bodies, in particular, SCOPE, and which were subject to a programme of public user testing.

8.2 The Electoral Commission's response welcomed the Government's approach in the instrument. The Commission was pleased that it takes account of recent changes to electoral law, notably those in the ERA Act, and apply them for GLA elections. The Commission's response focussed upon the proposed new voter forms, and suggested changes to the wording on certain forms. As a result, we propose to use the term 'Election of the Mayor of London', rather than 'Election of the Mayor', on the London mayoral ballot paper and poll cards so that they clearly show which election voters will be voting in.

8.3 The Association of Electoral Administrators and the GLA also made some suggested changes to the wording and layout of certain forms, and we have made a number of changes in light of their comments. For example, we have clarified the wording of the instruction included in the polling station compartment notice, and also on the proxy poll card, that voters should not fold the ballot papers in order to ensure that they can be sorted and counted by the electronic counting machines used at GLA elections.

## **9. Guidance**

9.1 The Electoral Commission issues guidance to electoral administrators relating to the administration and conduct of GLA elections and will update the guidance as necessary to cover the changes set out in this instrument.

## **10. Impact**

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

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument as no impact on business is foreseen.

## **11. Regulating small business**

11.1 The legislation does not apply to activities that are undertaken by small businesses.

## **12. Monitoring & review**

12.1 The Electoral Commission will produce reports on the administration and conduct of the GLA elections in May 2016, and the Cabinet Office will consider any findings or recommendations made by the Commission about the provisions introduced by this instrument that will apply at those elections. The Cabinet Office will continue to keep all electoral legislation under review to ensure it continues to support electors' participation in elections and effective electoral administration.

## **13. Contact**

13.1 Peter Richardson at the Cabinet Office, Telephone: 020 7271 6433 or email: [peter.richardson@cabinetoffice.gov.uk](mailto:peter.richardson@cabinetoffice.gov.uk) can answer any queries regarding this instrument.