

Electoral Law, Practices and Procedures

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Chair : H.S. Chapman Society

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(UK)

A Healthy Democracy

- Democracy is the worst form of Government except all those others that have been tried from time to time

Winston Churchill

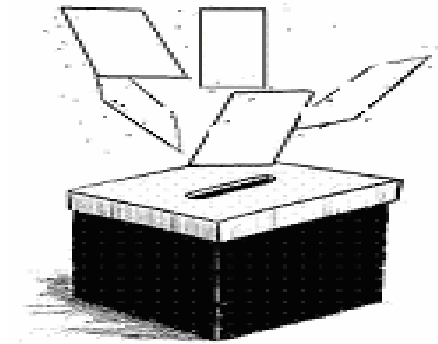
- Government by the people: that form of Government in which the sovereign power resides in the people, and is exercised either directly by them or by officers elected by them

Oxford Dictionary

Barriers to Electoral Democracy

Plant Report 1993

- Registration
- Absent voting
- Access to polling stations
- Fixed term Parliaments
- Day and hours of poll
- The Election period
- Nomination and voting procedures
- Local and National Election Expenses
- Age of candidacy
- An Electoral Commission
- Modernisation of 1983 RPA



Ability to Vote

1993

- Establish a duty on ERO's to maximise registration
- Correction of entries post-nomination day
- Access to local government records
- Extra resources shall be provided

Today

- Duty on ERO's to produce comprehensive registers
- Power to remove entry from register
- Cross reference with local government records
- Extra resources to be allocated

Ability to Vote

1993

- Polling Register
- Later registration
- Media Campaign to encourage participation



Today

- Rolling register in place
- Closing date closer to poll date
- EROs to encourage electoral participation
- Establish a scheme of anonymous registration
- Pilots on individual registration with identifiers

Ability to Vote - Absent voting

1993

- Complexity of system
- All electors entitled to postal vote
- Self attestation
- Closing date for applications closer to polling
- Emergency PV up to polling day
- Stronger offence for fraud
- Absent voter forms more generally available
- Delivery of poll cards

Today

- Stronger action against fraud
- Re-examination of system
- Self attestation
- Closing date brought forward
- Forms more generally available
- Signatures at polling stations





Financial matters



1993

- Control of Maximum for National Expenditure
- Audit and Accounting of political parties
- Audit of donations
- Financial Aid for political parties
- No change to £500 deposit

Today

- PPERA National Expenditure limits
- Audit and accounting by Electoral Commission
- Donations declared to Electoral Commission
- Financial support for educational purposes
- No change to £500 deposit



Financial matters



1993

- Registration of political parties
- Constituency election expenses uprated by RPI

Today

- Registration of political parties
- Expenses commence at dissolution (relevant period – four months ending with the date of the poll)

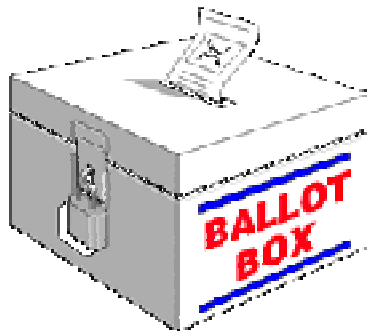
Nomination and Voting Procedures

1993

- Increase in number of assentors
- 18 years of age candidacy
- Fixed term Parliaments
- Extended voting

Today

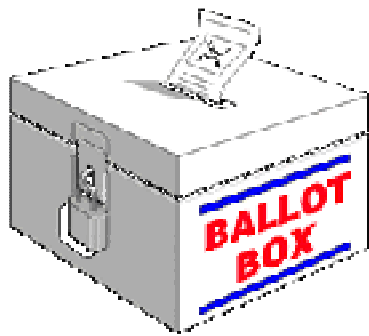
- No increase in number of assentors
- 18 years – age of candidacy
- Piloted locally



Nomination and Voting Procedures

1993

- Polling Cards
- Review of polling place



Today

- Poll cards for all electors including postal voters
- Review on a four yearly cycle
- Omission of Maundy Thursday
- Observers at election
- Signatures in polling stations

Electoral Commission

- Single body – Overall responsibility for administration relating to our electoral system
- Independent of government
- Accountable to Parliament

The
Electoral
Commission

Electoral Commission

1993 - Functions

- Administration of elections
- Determination of electoral boundaries
- Administration of election expenditure
- Overseas changes to the system
- Responsible for public information and publicity
- Respond to complaints from the public

Today - Functions

- Overseas administration of elections and referendums
- Report on elections and referendums
- Determination of boundaries
- Control of donations and campaign expenditure
- Registration of political parties
- Reviewing electoral law
- Promoting participation in the democratic process

Legislative Framework

- Complex Legal Framework
 - Acts
 - Statutory Instruments
 - Regulations
 - Orders and Rules
 - Court Decisions



Legislative Framework

- Primary Legislation
 - Representation of the People Act 1983
 - Political Parties, Elections and Referendums
 - Representation of the People Act 2000 (Schedule 4)
 - European Parliamentary Act 2002
 - Electoral Administration Act 2006

SINGLE CONSOLIDATED ACT