Introduction to the project

- Law Commission’s 11th Programme of Law Reform
- Key support from stakeholders
- Tripartite project
- Timeline for reform
  - Scoping
  - Consultation
  - Interim Report
  - Final Report and draft Bill(s)
Timeline for reform: 1. Scoping study

- Published 11 December 2012

- What is **within** scope?
  - technical law governing elections and referendums
  - focus on electoral administration

- What is **outside** scope?
  - political policy
  - constitutional matters

- Available online
  www.lawcom.gov.uk/project/electoral-law/
Timeline for reform: 2. Consultation

- Published 9 December 2014
- Review of electoral law and proposals for reform
- Responses received until 31 March 2015
  - 75 written submissions received
- Over 20 consultation events
- Available online
  www.lawcom.gov.uk/project/electoral-law/
Timeline for reform: 3. Interim report

- Published 4 February 2016
- Why an *interim* report?
- Governmental responses
- Where are we now?
- Available online
  www.lawcom.gov.uk/project/electoral-law/
Timeline for reform:
4. Final report and draft legislation

- Final stage delivered by early Spring 2017
- Phase of instruction and legislative design
- Dependent on Governmental responses
- Will include:
  - Draft Bill or Bills
  - Final report
An introduction to our reform proposals
Reforming electoral law: Project aims

- Rationalisation
- Clarification
- Consistency
- Filling legislative gaps
Reforming the legislative framework

- Current legislative framework is dysfunctional
  - Complex
  - Voluminous
  - Fragmented
  - More than 25 statutes
  - Many more pieces of secondary legislation

Interim Report (footnotes 8 and 9) showcasing the volume of legislation pertaining to elections.
Reforming the legislative framework

In Chapter 2 of the Interim Report, we make core reform proposals regarding the legislative framework:

**Recommendation 2-1:** The current laws governing elections should be rationalised into a single, consistent legislative framework governing all elections (enacted in accordance with the UK legislatures’ legislative competences).

**Recommendation 2-2:** Electoral laws should be consistent across elections, subject to differentiation due to the voting system or some other justifiable principle or policy.
Reforming the legislative framework

WHAT OF DEVOLUTION?

“…single, consistent legislative framework governing all elections”

- Final recommendations will reflect the evolving devolutionary picture
- As ever, we will continue to reflect policy choices
- Close working relationship with sister Commissions
- Recommendations to be approved, modified or rejected by devolved Governments
Rationalisation in practice

- Single set of laws governing the functions of registration and returning officers
- Clarity over powers of direction
- Single register in law
- Single approach to absent voting entitlements
- Standard (28 day) timetable for all elections
- Single standard set of polling and counting rules
Rationalisation in practice

- Single nomination paper emanating from the candidate
- Subscribers assenting to candidacy, not nomination paper
- Expenditure limits declared by the returning officer
- Returning officers to review polling districts
- Single set of rules dealing with coinciding elections
- Power to defer a fourth coinciding poll, subject to secondary legislation.
Rationalisation in practice

**REFERENDUMS**

- Law on registration, absent voting, core polling rules to extend to referendums
- Secondary legislation to set out detailed conduct rules for national referendums
- Grounds for challenge applicable to referendums
- Standard conduct rules for local referendums
- Parish poll pertaining to an issue should be governed by conduct rules for local referendums
- Scope of parish polls should be defined
Filling legislative gaps

- Registration and residence
  - factors to be considered
- Power to respond to supervening events frustrating the poll
- Express power to reject sham nominations
- Permission required for photography in polling stations
- Duty to consult the Electoral Commission - ballot paper form

BBC NEWS

Volcanic ash halts all UK flights

All flights in and out of the UK and several other European countries have been suspended as ash from a volcanic eruption in Iceland moves south.

Up to 4,000 flights are being cancelled with airspace closed in Norway, Sweden, Finland and Denmark among others.

The UK’s air traffic control service (Nats) said no flights would be allowed in UK airspace until at least 0700 BST on Friday amid fears of engine damage.

Safety group Eurocontrol said the problem could persist for 48 hours.

The volcano is still spewing ash and the wind direction is expected to continue bringing clouds into UK and European airspace for some time to come.
Legal challenge

- Grounds to be positively set out in primary legislation
- Challenges to be heard in ordinary courts system High Court / Court of Session
- Modern court procedural rules including as to costs, and filtering out unmeritorious claims
- No “public interest petitioner” but…
  - Clarity as to the fact that courts can cap costs in advance
  - RO to bring swift challenge to test effect of admitted errors
- Informal complaints mechanism before local ombudsmen.
What the reforms mean for you

- The law will be
  - simpler
  - clearer
  - easier to understand
  - easier to apply

- Future changes will be easier to implement

- New elections will more easily fit into the reformed framework

Please visit our website for more information:

www.lawcom.gov.uk/project/electoral-law/
AEA jointly proposed this project for inclusion in 11th programme of Law reform, back in 2010.

AEA presence and support throughout, even before consultation, including:

► national branch
► workshops
► election oversight
► local branch meetings

Many contributors to consultation, some unnamed. We are grateful to you all.
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