**Electoral Law**

**Module D1**

**Aim** To provide an understanding and working knowledge of the law relating to the registration of electors, the conduct of elections and the establishment and review of electoral boundaries.

**General** Candidates will be expected to demonstrate a thorough knowledge of the main principles of British electoral law and an ability to use that knowledge to provide sound working practices at a senior level and to offer advice to all those having an interest in such matters.

**1. Legislative Background**

1.1. The law made by legislators

1.2. Common law, precedent and the legal system

1.3. The human rights dimension and the Human Rights Act 1998

**2. Acts of Parliaments**

2.1. The following Acts of Parliaments relating to electoral law:

* Local Government Acts (1972 onwards) (as applicable in England and Wales)
* Local Government (Scotland) Acts (1973 onwards) (as applicable in Scotland)
* House of Commons Disqualification Act 1975
* Representation of the People Acts (1981, 1983, 1985 and 2000)
* Boundary Commissions Act 1992
* Parliamentary Constituencies Act 1986
* Local Government and Housing Act 1989 (as applicable in England and Wales)
* Local Government and Rating Act 1997 (as applicable in England and Wales)
* Scotland Acts (1998 and 2016) (as applicable in Scotland)
* Government of Wales Act 1998 (as applicable in Wales)
* Ethical Standards in Public Life etc. (Scotland) Act 2000 (as applicable in Scotland)
* National Parks (Scotland) Act 2000 (as applicable in Scotland)
* Political Parties, Elections and Referendums Act 2000
* Election Publications Act 2001
* Scottish Local Government (Elections) Acts (2002 and 2009) (as applicable in Scotland)
* Electoral Administration Act 2006
* Local Government and Public Involvement in Health Act 2007 (as applicable in England and Wales)
* Local Democracy, Economic Development and Constructions Act 2009 (as applicable in England)
* Political Parties and Elections Act 2009
* Localism Act 2011 (as applicable in England and Wales)
* Police Reform and Social Responsibility Act 2011 (as applicable in England and Wales)
* Electoral Registration and Administration Act 2013
* Wales Act 2014 (as applicable in Wales)
* Recall of MPs Act 2015
* Higher Education and Research Act 2017 (as applicable in England)
* Data Protection Act 2018
* Parliamentary Constituencies Act 2020
* Senedd and Elections (Wales) Act 2020 (as applicable in Wales)

**3. Statutory Instruments**

3.1. Regulations, Rules and Orders relating to electoral law.

**4. Election Petitions**

4.1. The procedures to be followed in both lodging and answering an election petition.

**5. Case Law**

5.1. The implications of decisions made by the courts in the following cases relating to electoral matters:

* Fox v Stirk and another: Ricketts v Registration Officer for the City of Cambridge [1970] 3 All ER. CA
* Levers v Morris and another [1971] 3 All ER. QBD
* Gunn and others v Sharpe and others [1974] 2 All ER. QBD
* Morgan and others v Simpson and another [1974] 3 All ER. CA
* R v An Election Court, ex parte Sheppard [1975] 2 All ER. QBD
* Greenway-Stanley v Paterson [1977] 2 All ER. QBD
* Ruffle v Rogers and another [1982] 3 All ER. CA
* Hipperson and others v Electoral Registration Officer for the District of Newbury and another [1985] 2 All ER. CA
* R v Rowe, ex parte Mainwaring and others [1992] 4 All ER. CA
* Sanders and Younger-Ross v Chichester and Palmer [1994]R (on the application of Robertson) v City of Wakefield Metropolitan Council [2001] CO/284/2001
* Rowe v Cox and another [2001] M/294/01
* R (on the application of de Beer and others) v Balabanoff [2002]
* Ullah and others v Pagel and Scallan; Ahmed v Kennedy [2002]
* Gough v Local Sunday Newspapers (North) Limited [2003]
* Akhtar and others v Jahan and others; Iqbal and others v Islam and others [2005]
* R (on the application of Muhammad Afzal) v Election Court and others [2005]
* Jim Miller v (1) Chris Bull (Returning Officer of Herefordshire Council (2) Benson Ferrari (3) Director of Public Prosecutions [2009] EWHC 2640 (QB)
* Watkins v Woolas [2010] EWHC 2702
* R (on the application of Woolas) v Parliamentary Election Court [2010]
* Mohammad Ali v (1) Mohammad Bashir (2) Ray Morgan [2013] EWHC 2572 (QB)
* (1) Andrew Erlam (2) Debbie Simone (3) Azmal Hussein (4) Angela Moffat v (1) Mohammed Lutfur Rahman (2) John S Williams (Returning Officer) [2015] EWHC 1215 (QB)
* Beryl Baxter v (1) Laurence Fear (2) Roger George Marley (3) Norman David Decent (4) Tony Williams [2015] EWHC 3136 (QB)
* Banwait v Bettany [2018] EWHC 3263 (QB)
* R (on the application of Andrews) v Minister for the Cabinet Office [2019] EWHC 1126 (Admin); 2019 WL 01959789

(Note: These cases are contained within Appendix E of Schofield’s Election Law)

**6. Circulars**

6.1. The content and purpose of all extant Circulars issued by Government Departments and the Electoral Commission, including the published Codes of Practice

**Public Administration, Electoral Arrangements and Electoral Systems**

**Module D2**

**Aim** To provide an appreciation and understanding of the major procedures and practices of local government and its relationship to the national political and administrative process; general and special electoral arrangements including matters relating to boundaries; and other electoral systems in common use in other democracies.

**General** Candidates will be expected to demonstrate a sound background knowledge of British local government and constitutional matters, a clear working understanding of matters relating to boundaries and other quasi electoral arrangements and be able to comment authoritatively on a variety of other electoral systems specified in the syllabus.

**1. Public Administration**

1.1. The structure of local government

1.2. The financing of local government including council tax referendums

1.3. The political process including:

* National and local political processes
* Political parties and their organisation
* Parliament as the legislature
* The Executive and Cabinet Government
* The Judiciary

1.4. The notion of accountability including:

* Political controls in the public sector
* Audit and financial controls
* The Local Government and Social Care Ombudsman in England, the Public Services Ombudsman in Wales and the Scottish Public Services Ombudsman
* Complaints systems
* Judicial control and the use of judicial review
* Conduct of individuals (codes of conduct)
* Members’ interests

**2. Electoral Arrangements**

**Electoral Commission**

2.1. General functions

**Boundaries**

2.2. Parliamentary constituency boundaries

2.3. Local Government boundaries

2.4. Review procedures

2.5. The UK Parliamentary Boundary Commissions

2.6. The Local Government Boundary Commissions

**Polling District, Polling Place and Polling Station Designations and Reviews**

2.7. Polling District boundaries

2.8. Polling places and polling stations

2.9. Review procedures

**Combined Polls**

2.10. How and when applied

2.11. Special Rules (compulsory and discretionary)

2.12. Administrative and logistical matters

**Parishes/Communities**

2.13. Community Governance Reviews

2.14. Review of existing parishing arrangements

2.15. Establishment of new parishes

2.16. Creation of new parish councils

2.17. Parish warding arrangements

**Parish /Community Polls**

2.18. Legal framework

2.19. Purpose of poll

2.20. Procedures

2.21. Result and effect

**National and Local Referendums**

2.22. Legal framework

2.23. Administrative and logistical matters

2.24. Responsibilities of Counting Officer

**BIDS**

2.25. Administrative and logistical matters

2.26. Conduct of referendum

**Neighbourhood Planning Referendums**

2.27. Administrative and logistical matters

2.28. Conduct of referendum

**Performance Standards**

2.30. Electoral Registration Officers

2.31. Returning Officers

**3. Electoral Systems**

3.1. Proportional representation - the principles

3.2. Proportional representation - the methods

3.3. Registration systems

3.4. Voting methods

3.5. Compulsory registration and voting

3.6. Early voting

3.7. Absent voting

3.8. Electronic voting and counting systems

3.9. Electoral Commissions

3.10 Pilot Election schemes

3.11. Regional electoral systems including to the Senedd and the Greater London Authority

3.12. Scottish local government elections

**Management and Finance**

**Module D3**

**Aim** To provide an appreciation and understanding of the major principles employed in the effective management of organisations; how information systems can be used to achieve effective and efficient operation of the office environment; and specific financial and related considerations in the registration of electors and the conduct of elections.

**General** Candidates will be expected to demonstrate an ability to translate knowledge into practice in all fields of management covered in the syllabus and to be able to demonstrate a sound knowledge of financial matters relating to the work of a senior electoral administrator.

**1. Management of People**

Key objective – to get the most from the team including recruiting, training and building the team; allocating and evaluating work; dealing with people problems; and managing yourself and your relations with others at work

1.1. Managing yourself and developing your own resources

1.2. Enhancing your own performance

1.3. Creating, developing and enhancing effective and productive working relationships

1.4. Selecting personnel for activities

1.5. Contributing to the development of teams and individuals

1.6. Developing teams and individuals to enhance performance

1.7. Developing management teams and leading the work of teams and individuals to achieve their objectives

1.8. Managing the performance of teams and individuals

1.9. Delegating work to others

1.10. Responding to and dealing with poor performance in your team

1.11. Redeploying personnel and making redundancies

1.12. Dealing with health and safety issues

1.13. National Occupational Standards

**2. Management of Information**

Key objective – to obtain, analyse and use information effectively to take decisions including leading and contributing to meetings

2.1. Managing information for action

2.2. Facilitating meetings

2.3. Chairing and participating in meetings

2.4. Providing information to support decision making

2.5. Establishing information management and communication systems

2.6. Using information to take critical decisions

2.7. Data protection

**3. Management of Quality**

Key objective – to provide total quality management, quality assurance and quality control

3.1. Promoting the importance and benefits of quality

3.2. Providing advice and support for the development and implementation of quality policies

3.3. Managing continuous quality improvement

3.4. Implementing quality assurance systems

3.5. Providing advice and support for the development and implementation of quality systems

3.6. Monitoring compliance with quality systems

3.7. Carrying out quality audits

**4. Management of Projects**

Key objective – to plan, control and complete projects to satisfy the project's original objectives

4.1. Planning and preparing projects

4.2. Managing the running of projects

4.3. Completing projects including post implementation review

4.4. Risk assessment and risk management

**5. Electoral Finance**

Key objective - To control, use and account for electoral budgets

**Electoral Registration**

5.1. Employment and payment of staff (permanent, temporary and canvassers)

5.2. Procurement of equipment and stationery

5.3. Costs of printing, postage and delivery

5.4. Advertising costs

5.5. Budget preparation and monitoring

5.6. Records and accounts

**Elections Administration**

5.7. Employment and payment of staff

5.8. Election fees

5.9. Taxation and superannuation

5.10. Expenses and subsistence

5.11. Other costs

5.12. Funding

5.13. Accounts

5.14. Insurance

**National and Regional Elections**

5.15 Election accounts

5.16 Accounting requirements

5.17. Administrative and logistical matters

| **Title** | **Author(s) / Publisher** | **Part** |
| --- | --- | --- |
| AEA Foundation Course Manual | The AEA | Certificate and Diploma |
| AEA website  <https://www.aea-elections.co.uk/> | The AEA | Certificate and Diploma |
| Cabinet Office website  <https://www.gov.uk/government/organisations/cabinet-office> | The Cabinet Office | Certificate and Diploma |
| Data Protection Act Guidelines  <https://ico.org.uk/for-organisations/guide-to-data-protection/> | The Information Commissioner | Certificate and Diploma |
| Electoral Commission Guidance to Candidates  <https://www.electoralcommission.org.uk/i-am-a/candidate-or-agent> | The Electoral Commission | Certificate and Diploma |
| Electoral Commission website  <https://www.electoralcommission.org.uk/> | The Electoral Commission | Certificate and Diploma |
| Examiners’ Reports | The AEA | Certificate and Diploma |
| Guidance to Returning Officers and materials  <https://www.electoralcommission.org.uk/i-am-a/electoral-administrator> | The Electoral Commission | Certificate and Diploma |
| Legislation Website  <https://www.legislation.gov.uk/> | UK Parliament | Certificate and Diploma |
| Parker’s Law and Conduct of Elections | Price / Lexis Nexis | Certificate and Diploma |
| Running Electoral Registration  <https://www.electoralcommission.org.uk/i-am-a/electoral-administrator/running-electoral-registration> | The Electoral Commission | Certificate and Diploma |
| Schofield’s Election Law | Posner and Footner / Sweet and Maxwell | Certificate and Diploma |
| AEA Management Modules   * Electoral Law * Electoral Arrangements * Management and Finance | The AEA | Diploma |
| Electoral Management website  <http://www.electoralmanagement.com/> | Electoral Management | Diploma |
| Toby S James website  <https://tobysjames.com/> | Professor Toby James, UEA | Diploma |
| International IDEA website  <https://www.idea.int/> | International IDEA | Diploma |
| Parliament Website (House of Commons / House of Lords)  <https://www.parliament.uk/> | UK Parliament | D1 and D2 |
| Electoral Reviews – Guidance and Procedural Advice  <https://www.lgbce.org.uk/how-reviews-work> | Local Government Boundary Commission | D2 |
| Good Commonwealth Electoral Practice  <https://read.thecommonwealth-ilibrary.org/commonwealth/governance/election-management_9781848599413-en#page4/> | Commonwealth Secretariat | D2 |
| Guide to the Local Government Ombudsman Service  <https://www.lgo.org.uk/> | Ombudsman website | D2 |
| International IDEA Handbook of Electoral System Design  <https://www.idea.int/publications/catalogue/electoral-system-design-new-international-idea-handbook/> | Reynolds and Reilly / IDEA | D2 |
| Review of UK Parliamentary Constituencies  England – <https://boundarycommissionforengland.independent.gov.uk/>  Scotland – <https://www.bcomm-scotland.independent.gov.uk/>  Wales – <https://bcomm-wales.gov.uk/>  Northern Ireland – <https://www.boundarycommission.org.uk/> | Parliamentary Boundary Commissions | D2 |
| National Occupational Standards  <https://www.ukstandards.org.uk/NOS-Finder#k=electoral/> | National Occupational Standards website | D3 |
| UK Parliamentary Election Accounts Guidance | Electoral Claims Unit | D3 |

**Module SC3 (Scotland)**

| **Title** |
| --- |
| Scottish Local Government (Elections) Acts 2002 and 2009 |
| Scottish Parliament (Elections etc.) Order 2015 |
| Scottish Government publication "Community Councils" |
| National Parks (Scotland) Act 2000 and, in particular, Schedule 1 and Designation Orders made under the Act |
| Scotland Acts |
| Scottish Local Government Elections Rules 2011 |
| Representation of the People (Scotland) Regulations 2001 |
| Local Government (Scotland) Acts |
| Websites:   * <http://www.electoralcommission.org.uk/i-am-a/electoral-administrator/scottish-parliament-elections> * <https://www.legislation.gov.uk/> <http://www.gov.scot/Topics/Government/PublicServiceReform/CommunityCouncils> * <https://www.communitycouncils.scot/> * <https://en.wikipedia.org/wiki/Community_council> * <http://www.snh.gov.uk/> * <http://www.electoralcommission.org.uk> * <https://www.gov.uk/government/organisations/scotland-office> * <https://www.gov.scot/about/> * <http://www.parliament.scot/visitandlearn/83134.aspx> * <http://www.scotland.gov.uk> * <http://www.scotlandoffice.gov.uk/scotlandoffice/49.33.html> * <http://www.cosla.gov.uk/> * <http://www.scottishlaw.org.uk/scotlaw/locgov.html> * <http://www.saa.gov.uk/> * <https://www.emb.scot/> |