EXPLANATORY MEMORANDUM TO

THE COMBINED AUTHORITIES (MAYORAL ELECTIONS) (AMENDMENT) ORDER 2026

2026 No. 652

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry for Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Samantha Dixon, Parliamentary Under-Secretary of State for Building Safety, Fire and Democracy at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Tim Bowden, Deputy Director for Elections Policy Division, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Daniel Easton at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: daniel.easton@communities.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The purpose of this instrument is to amend provisions in the Combined Authorities (Mayoral Elections) (Amendment) Order 2017 which sets out the rules which govern the conduct of elections for combined authority mayors ("CAM") and combined county authority mayors ("CCAM") , as well as a number of statutory forms (for example, the ballot papers that must be used).

4.2 The instrument will accompany changes made in the English Devolution and Community Empowerment Act 2026 which makes provision for amending the voting system for these elections from the First Past the Post voting system ("FPTP") to the supplementary vote system ("SV") when there are three or more candidates standing.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales only.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

5. Policy Context

What is being done and why?

5.1 Elections for CAMs and CCAMs are currently conducted using FPTP. Under this system, the candidate who wins the most votes is elected. CAM elections were originally held under SV (see the 2017 order, as originally made), before being changed to FPTP following changes made in the Elections Act 2022. CCAM and some CAM elections have only used the FPTP system.

5.2 Under SV voters may select a first and second choice preference on their ballot. They may choose to only select a first preference if they wish. If a candidate receives more than 50 per cent of the first preference votes they are elected. If no candidate reaches a majority at the first stage all but the two candidates with the most votes are eliminated and the second preference votes of the eliminated candidates are allocated to the remaining candidates. The candidate with the most (first preference plus second preference) votes is elected.

5.3 The Government believes it appropriate that both CAM and CCAM elections are held under SV. This system is tailored for the election of single executive office holders, such as mayors, where there is no council or parliament which can contain members with a variety of views and policies. It therefore ensures that the single person elected has a broad level of support amongst those voting. For UK Parliamentary and local council elections, FPTP will continue to be used to elect a single member to represent a constituency.

5.4 On 10th July 2025 the Government formally committed to restoring SV for CAM, CCAM, local authority mayors ("LAM"), Police and Crime Commissioner ("PCC") and Mayor of London elections, when introducing the English Devolution and Community Empowerment Bill to Parliament[1]. This became the English Devolution and Community Empowerment 2026 ("the 2026 act") after gaining royal assent in April 2026.

5.5 The provisions making changes to the voting system are in section 108 of the 2026 Act. This Order amends the 2017 Order which sets out how elections for CAM and CCAMs are to be conducted to ensure the elections rules and forms (e.g. ballot paper) are consistent with the amendments made to primary legislation by the 2026 Act.

5.6 The changes to the voting system for CAM and CCAMs are set out in the 2026 Act. The changes to the rules for the conduct of those elections in this Order should not apply for the purposes of an election in respect of which the notice of election is published before the date on which the Order comes into force.

5.7 The Government's stated intention during the parliamentary passage of the 2026 Act was to implement the change to SV at the first relevant elections after May 2026. The timing set out above is necessary to ensure that the provisions can be implemented in advance of any forthcoming CAM/CCAM election.

What was the previous policy, how is this different?

5.8 As noted above, previously CAM/CCAM elections were held under the FTTP system rather than SV.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 63 and Schedule 30 of the 2026 act amended the 2009 and 2023 Acts to change the voting system for CAMs and CCAMs to SV when there are three or more candidates, with FPTP being used when there only two candidates. The 2026 Act also changes the voting system to be used in elections for LAMs, the Mayor of London and PCCs.

6.2 This instrument amends the 2017 order, which contains the Rules governing the conduct of elections for CAM and CCAMs. Schedule 1 contains the Rules for a stand-alone mayoral election and Schedule 3 contains the Rules for a mayoral election held in combination with another poll. Schedule 2 applies other electoral legislation, with modifications, to facilitate the conduct of CAM and CCAM elections. Currently these Rules specify that elections are to be held under FPTP, following amendments stemming from the Elections Act 2022.

6.3 This instrument amends the 2017 Order in relation to elections for CAMs and CCAMs which are contested by three or more candidates to ensure consistency with the changes made to the 2009 and 2023 Acts by the 2026 Act. Amendments are made to Schedules 1, 2 and 3 and principally involve implementing references to first and second preference votes and counts thereof, and of a distinction between elections contested by two candidates and by three or more candidates. Amendments are also made to the ballot paper and postal voting statements in Schedules 1 and 3.

6.4 Similar changes to the secondary legislation setting out the rules for the conduct of elections for local authority mayors, the Mayor of London and PCCs will be brought forward in due course.

Why was this approach taken to change the law?

6.5 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Electoral Commission were consulted on this instrument. They were content with the instrument and agreed to the amendments made to the forms.

8. Applicable Guidance

8.1 The Electoral Commission has a statutory duty to provide guidance about the process of running and taking part in elections. They issue guidance to electoral administrators relating to the administration and conduct of elections, referendums and recall petitions, and to candidates standing at elections. This includes extensive guidance for Returning Officers.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

Impact on businesses, charities and voluntary bodies

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

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Electoral Commission will produce reports on the administration and conduct of elections, and the Ministry for Housing, Communities and Local Government will consider any findings or recommendations made by the Electoral Commission about the changes in these instruments that will apply at those polls.

10.2 The Ministry for Housing, Communities and Local Government will continue to keep all electoral legislation under consideration to ensure it continues to support electors' participation in elections and effective electoral administration.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Samantha Dixon, Parliamentary Under Secretary of State for Building Safety, Fire and Democracy at the Ministry of Housing, Communities and Local Government has made the following statement regarding Human Rights:
"In my view the provisions of The Combined Authorities (Mayoral Elections) (Amendment) Order 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").