EXPLANATORY MEMORANDUM TO

THE REPRESENTATION OF THE PEOPLE (BALLOT PAPER) REGULATIONS 2015

2015 No. [XXXX]

1. 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 These Regulations prescribe a new form of ballot paper for use at United Kingdom parliamentary elections by amending the Representation of the People Act 1983 (c.2).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 Similar Regulations were laid before Parliament in 2013. These were passed in Committee debate in the House of Lords on 29 October 2013. They were passed in Committee debate in the House of Commons on 27 March 2014 after a division on the motion of consideration (11 ayes to 7 noes). The Regulations were then scheduled for approval on the floor of the House of Commons. The Regulations as drafted were due to come into force on 6 April 2014. However, the approval motion was not scheduled in time for the Regulations to be made by that date.

3.2. As a result of the earlier Regulations not being made by the date they were due to come into force, it is necessary to lay a new set of Regulations.

4. Legislative Background

4.1 These Regulations are part of a group of instruments, a majority of which have now been made, which contain provisions to improve the voting experience, and which also include provisions to update other prescribed voter-facing material, including poll cards, postal voting statements and polling station guidance to voters at UK Parliamentary and European Parliamentary elections.

5. Territorial Extent and Application

5.1 This instrument extends to the United Kingdom.

6. European Convention on Human Rights

6.1 Sam Gyimah, Minister for the Constitution, Cabinet Office, has made the following statement regarding Human Rights:

"In my view the provisions of the Representation of the People (Ballot Paper) Regulations 2015 are compatible with the Convention rights."

7. Policy background

7.1 The purpose of these Regulations 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. It has become established practice for newly prescribed voting forms for nation-wide polls to be subject to user-testing to ensure they are clearly set out and are easy for electors to use – for example, those developed for the 2011 referendum on the Parliamentary voting system and at the 2012 Police and Crime Commissioner elections.

7.2 In recent years, the Government has received recommendations from the Electoral Commission and other stakeholders for improvements to be made to the quality and design of its statutory election materials. The Government has acted on the points which have been made and has undertaken a programme of work to improve such materials. This includes revising forms and notices for UK Parliamentary and European Parliamentary elections under these and other regulations which have been laid before Parliament.

7.3 In addition, the Government will also be bringing forward legislation to provide for Welsh or bilingual versions of forms and notices for polls as appropriate.

8. Consultation outcome

8.1 The Electoral Commission has been consulted on these Regulations in accordance with section 7(2)(e) of the Political Parties, Elections and Referendums Act 2000 (c.41). The Association of Electoral Administrators (AEA), SCOPE, RNIB and other interested parties have also been consulted on the draft ballot paper design.

8.2 Together with other draft designs for forms and notices mentioned above, the revised draft UK Parliamentary ballot paper has been subject to a programme of user-testing involving representative samples of the voting public (which included sessions held in Wales and Scotland). The changes proposed reflect the feedback received, for example, following user testing the pictorial depiction of a voter's cross was made more prominent, and as a result of stakeholder consultation responses a bold final horizontal line has been added to the prescribed design in order to delineate clearly the end of the ballot paper.

8.3 The response to both the public user-testing and the wider consultation has been supportive of the proposed new designs. Whilst not actively supportive of the changes, RNIB do not oppose them because they considered that the changes did not raise significant issues for blind/partially sighted people whom they represent. The changes are seen as an improvement on the current forms and will help to make it easier for electors to cast their vote.

9. Guidance

9.1 The Electoral Commission issues guidance to returning officers on the conduct of elections. No further guidance is likely to be required as a result of the changes made by these regulations.

10. Impact

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

10.2 The impact on the public sector is minimal.

10.3 An Impact Assessment has not been prepared for this instrument as it has not appreciable impact on the public sector and no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Cabinet Office keeps all electoral legislation under review to ensure it continues to support electors' participation in elections and effective electoral administration.

12.2 In addition, under Section 6 of the Political Parties, Elections and Referendums Act 2000, the Electoral Commission has a statutory function to review matters relating to elections.

13. Contact

Fiona Willan at the Cabinet Office, tel 020 7271 6442, email: fiona.willan@cabinetoffice.gov.uk can answer any queries regarding the instrument.