EXPLANATORY MEMORANDUM TO

THE GREATER LONDON AUTHORITY ELECTIONS (AMENDMENT) RULES 2019

2019 No. 1426

1. Introduction

1.1 This explanatory memorandum has been prepared by Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the rules that apply to elections for the Greater London Authority (GLA) elections - which consist of elections for London Mayor and the London Assembly. The rules are amended to remove the requirement that each candidate's home address at these elections must be published during the election process and be included on the ballot paper. They also remove the requirement for each candidate's qualifying address to be published during that process. A candidate's qualifying address is the address that qualifies the candidate to stand for election.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 This instrument is being made to amend the Greater London Authority Election Rules 2007 (S.I. 2007/3541) ("the 2007 Rules") which set out the rules for GLA elections.

6.2 Candidates in those elections are required to be nominated by nomination paper. That paper must currently include a candidate's home address. Those addresses will be published in the statement of persons who have been nominated to stand for election and also on the ballot paper.

6.3 The changes made by this instrument to the 2007 Rules mean that in future all candidates at GLA elections will be able to request that their home address is not made public. In addition, candidates will in future provide their "qualifying addresses" separately. A candidate's qualifying address is the address that qualifies the candidate to stand at the election – it may be, for example, a work address or the address at which the candidate is registered to vote.

7. Policy background

What is being done and why?

7.1 The Committee on Standards in Public Life (CSPL) in its December 2017 Report 'Intimidation in Public Life A Review by the Committee on Standards in Public Life' recommended:

"The government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending a count."

7.2 The Government accepted this recommendation in its response to the CSPL report published in March 2018. The Government indicated that it will look to bring forward secondary legislation at a suitable opportunity to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. The Government also stated that this practice should be applied equally to all those standing for election to public office and should apply to those standing at any level of local authority elections including for mayoral positions.

7.3 Consequently, the Government brought forward and made the following statutory instruments that implement the change for local government and parish council elections, and elections of combined authority mayoral and local authority mayoral elections in England: the Local Authorities (Principal Areas) (England and Wales) (Amendment) (England) Rules 2018 (S.I. 2018/1308); the Local Elections (Parish and Communities) (England and Wales) (Amendment) (England) Rules 2018 (S.I. 2018/1309); the Combined Authorities (Mayoral Elections) (Amendment) Order 2019 (S.I 2019/350); and the Local Authorities (Mayoral Elections) (England and Wales) (Amendment) (England) Regulations 2019 (S.I. 2019/351).

7.4 The Government wishes to avoid capable individuals being deterred from standing for office because they believe the process risks their safety, or makes them vulnerable to abusive activity. The Government is therefore bringing forward secondary legislation to remove the requirement for candidates standing at GLA elections to have their home addresses published on the ballot paper. This instrument makes changes in relation to elections of the London Mayor and Members of the London Assembly. Currently, candidates for London Mayor and candidates at elections of Constituency Members of the London Assembly, and "individual" candidates at elections of London Members of the London Assembly, are required to have their home address appear on the ballot paper. It is planned to have the changes in place so that they apply for the GLA elections scheduled for May 2020 and all future GLA elections after then.

7.5 Under the 2007 Rules, at GLA elections, a candidate's 'home address in full' is currently required to be included on the nomination form. As a result of the changes, candidates at GLA elections will be required to provide their home address on a

separate 'home address form'. The candidate may require that the address is not made public (i.e. not included on the ballot paper or in the statement of persons nominated). If the candidate requires their address not to be made public, the candidate must state the name of the "relevant area" (as defined in the instrument) in which they live and this will appear on the ballot paper and certain other election documents instead of the home address. This will be in line with the existing provisions in place for candidates at UK Parliamentary elections and the changes recently made for local and mayoral elections.

7.6 We have considered the level of location information that is appropriate for a candidate to provide as the "relevant area". Stating 'Greater London' may not be seen as very informative for voters. That said, giving the ward where the candidate lives may not be very meaningful for voters, given that public knowledge of wards and their geographical location may be sketchy and also that the candidate does not need to live in Greater London, if their qualification to stand for election arises from their main place of work being located in Greater London. Also, there is the concern that providing the ward may not assist the aim of avoiding the potential for intimidation or abuse if this information can be used to readily identify someone's actual address, for example, by reference to the local ward electoral register, given that some wards may contain a relatively small number of electors.

7.7 We wish to adopt a consistent approach for all polls on the alternate information to be provided that supports the aim to give security to candidates who do not wish their home address to be made public and appear on the ballot paper. We therefore propose, in line with the recent changes made for local and mayoral elections, that candidates who wish to withhold their home address should instead give the name of the "relevant area" within which their home address is located. We propose that candidates living in England will use one of the following areas which are relevant to them as an alternative to their home address:

- a district in England for which there is a district council;
- a county in England in which there are no districts with councils;
- a London borough;
- the City of London (including the Inner and Middle Temples);
- the Isles of Scilly.

7.8 It is proposed that if the candidate lives in Wales they would state the borough or county borough within which their home address is located. If the home address of the candidate is in Scotland, they would state the local government area within which their home address is located. If the home address of the candidate is in Northern Ireland, the candidate would state the local government district within which their home address is located. If the home address of the candidate is outside of the UK, they would state the country within which their home address is located.

7.9 This information would appear on the ballot paper (for candidates at London Mayoral elections, candidates at elections of Constituency Members of the London Assembly, and "individual" candidates at elections of London Members of the London Assembly), the statement of persons nominated (all candidates in all contests) and the notice of poll (at London Mayoral elections, and elections of Constituency Members of the London Assembly).

7.10 Currently, a candidate must also consent to their nomination by submitting a consent to nomination form. The candidate must give their home address on the form. Additionally, the form includes four statements that set out criteria for standing, and a candidate must comply with one of them in order to be eligible to stand. The candidate must indicate the statement(s) that are applicable to them, and qualifies them to stand, and provide the relevant qualifying address for each statement that is applicable to them.

7.11 The consent to nomination form must also be attested by one witness and the witness must sign and include their name and address on the form. Under the proposed changes, candidates will no longer be required to disclose addresses of any description on the consent to nomination form. Candidates will be required to indicate which of the four statements are applicable to them. The witness will no longer be required to give their address on the form. These addresses (for candidates and witnesses) are to be disclosed on the separate home address form.

7.12 It is proposed that candidates will be required to deliver to the Greater London Returning Officer or Constituency Returning Officer, as appropriate, by the deadline for nominations the completed home address form along with the nomination paper and consent to nomination form. Failure to provide the completed home address form would invalidate the candidacy – this is in line with the provision for UK Parliamentary, local and mayoral elections.

7.13 The instrument requires the destruction of home address forms by the Greater London Returning Officer and Constituency Returning Officers for security reasons after a specified period.

7.14 The statement of persons nominated currently requires (for candidates at all contests) the candidate's home address to be disclosed on this notice; this will no longer be required. Where a candidate chooses on the home address form that their address is not made public the "relevant area" in which the candidate's address is situated (as given on the home address form) will appear instead on the statement of persons nominated.

7.15 The notice of poll at elections of the London Mayor and of Constituency Assembly Members requires the notice to include the candidate's home address but the amendment to the statement of persons nominated will follow through to the notice of poll for these contests, and the "relevant area" will appear on this notice instead of the home address.

7.16 Currently, at GLA elections, after the close of nominations and before the date of the poll, during ordinary office hours, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

7.17 It is not proposed to make significant changes to the nominations process at GLA elections. It is proposed that changes are made that are necessary to implement the proposals concerning home addresses on ballot papers at these elections that are consistent with the approach taken at UK Parliamentary, local and mayoral elections.

7.18 We therefore propose to continue to allow nomination forms and consent to nomination forms to be open to public inspection. These forms though will in future no longer contain addresses of any description in relation to candidates and witnesses.

7.19 It is proposed that certain authorised persons will be able to inspect home address forms at GLA elections after the latest time for the delivery of nomination papers and

before the date of the poll. To be consistent with the procedure at UK Parliamentary, local and mayoral elections, and to provide for transparency in the nominations process, we will specify that at each of the GLA electoral contests, during the above period the following specified persons may inspect (though not take copies of) the home address form of any candidate standing at the particular poll:

London Mayoral Elections:-

- Candidates;
- Election agent of a candidate;
- Where a candidate is their own election agent, a person nominated by the candidate; or
- Up to two nominated subscribers of a candidate.

London Assembly - Constituency Member Elections:-

- Candidates;
- Election agent of a candidate; or
- Where a candidate is their own election agent, a person nominated by the candidate.

London Assembly - London Member Elections (Individual and Party list candidates):-

- Individual or party list candidates;
- Election agent of a candidate;
- Where a candidate acts as their own election agent, or where a candidate is a party list candidate and acts as the election agent for all the candidates included in that party list, a person nominated by that candidate;
- The nominating officer of a registered party standing nominated; or
- A person authorised in writing by that nominating officer.

At London Member elections, candidates standing on a party list or individual candidates (as well as those who are allowed to inspect the home address form on their behalf) may inspect the home address form of all candidates standing for election at that London Member poll, irrespective of whether they are party list or individual candidates.

7.20 We propose to make changes to certain prescribed forms at GLA elections as a consequence of the proposed changes, as follows:

- Ballot papers – each of the images of the ballot papers needs to give an example of a candidate not giving their home address, with the name of the area where they live appearing instead.
- Nomination papers - the prescribed forms need to be amended so that the home addresses of candidates do not appear on these forms.
- Consent to nomination form – the prescribed form needs to be amended so that the home and qualifying addresses of candidates do not appear on this form. The candidate would still be required to state which of the four statements listed on the form are applicable to them, though not give their home/qualifying addresses. The address of the witness will no longer appear on this form.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 The Law Commission has conducted a review into the desirability and feasibility of reforming and consolidating electoral law. The Law Commission's final report is due to be published in early 2020. The Government will consider that report and its recommendations once it is published.

10. Consultation outcome

10.1 The Electoral Commission has been consulted on this instrument as required by section 7(1) and (2)(d) of the Political Parties, Elections and Referendums Act 2000. We have also shared details of the proposed changes with the GLA, Association of Electoral Administrators (AEA), Society of Local Authority Chief Executives (SOLACE) and the Parliamentary Parties Panel.

10.2 The Electoral Commission agrees that these changes should help to reduce the risk of abuse and intimidation of GLA election candidates and their families. There is broad support among stakeholders for the proposed changes.

10.3 The AEA raised a small number of technical drafting points concerning the form of nomination paper and the ballot paper for London Assembly Constituency Member elections. The Cabinet Office has accepted these changes and have incorporated them into the final version of the instrument.

11. Guidance

11.1 The Electoral Commission issues guidance to electoral administrators and candidates relating to the administration and conduct of GLA elections and will update the guidance as necessary in advance of future polls in light of the changes set out in this instrument.

12. Impact

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

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

12.3 An Impact Assessment has not been prepared for this instrument because there is no impact on business.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is that the Electoral Commission will produce reports on the administration and conduct of GLA elections, and the Cabinet Office will consider any findings or recommendations made by the Electoral Commission about the changes in this instrument that will apply at those polls. The Cabinet Office will continue to keep all electoral legislation under review to ensure it

continues to support electors' participation in elections and effective electoral administration.

15. Contact

15.1 Peter Richardson at the Cabinet Office Telephone: 0207 271 6433 or email: peter.richardson@cabinetoffice.gov.uk or Sommer Bristo at the Cabinet Office Telephone: 0207 271 0886 or email: sommer.bristo@cabinetoffice.gov.uk, can be contacted with any queries regarding the instrument.

15.2 Natalie Bodek, Deputy Director for Elections Policy area, at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Chloe Smith MP, Minister for the Constitution at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.