EXPLANATORY MEMORANDUM TO

THE GREATER LONDON AUTHORITY ELECTIONS (AMENDMENT) RULES 2026

2026 No. 450

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 Division, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Claerwyn Hamilton-Wilkes at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: claerwyn.hamilton-wilkes@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 the instrument is to amend the manual count rules for Greater London Assembly (GLA) elections. The current rules require that for a non-electronic count (i.e. where counting is undertaken by hand without use of electronic counting machines), all ballot boxes within an Assembly constituency must be mixed together. This SI will amend this requirement to allow greater flexibility – so that each box of ballot papers need only be mixed with one other box of ballot papers (with the additional requirement that a box of postal ballot papers must be mixed with a box of non-postal ballot papers).

4.2 This will enable manual counts to be held at a number of smaller venues across the constituency rather than at a single, larger central venue - this will allow for efficiencies in the arrangements for counting votes.

4.3 The instrument will ensure the rules for mixing ballot papers will be consistent with the approach taken at other polls, eg Local Authority Mayoral and Combined Authority Mayoral elections.

Where does the legislation extend to, and apply?

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

4.5 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 At GLA elections, the Greater London Returning Officer (GLRO) may direct that votes are counted either electronically or manually, and there are rules in place for the two different methods for counting votes. At all GLA elections up to and including 2020, votes were counted electronically due to London mayoral elections being held under the Supplementary Vote (SV) system as it was considered to be appropriate to count votes electronically for these polls.

5.2 Under electronic counting rules, there is no requirement to mix ballot papers (including postal ballot papers) before votes are counted in any contest (London mayor, Assembly constituency member, London-wide Assembly member). This facilitated votes being counted at a small number of large count venues across London. Additionally, the GLRO was able to use the electronic counting software to produce a breakdown of results at ward level.

5.3 At the 2024 GLA elections, for the first time, votes were counted manually as a result of the change from SV to the First Past the Post system for London mayoral elections introduced by the Elections Act 2022.

5.4 Under the manual count rules, before counting the votes in all contests, the Constituency Returning Officer for each London Assembly constituency must mix together all of the ballot papers used at the election in the constituency. The mixing of ballot papers from different polling stations is designed to protect the secrecy of voting when votes are counted manually, in particular where there is a low number of votes cast in a polling station.

5.5 This led to the GLRO deciding that the counting of votes at the 2024 election would take place at a single venue in each of the 14 Assembly constituencies. It also meant the GLRO was unable to produce a breakdown of results at ward level as had happened at previous elections.

5.6 The position on the mixing of ballot papers at GLA elections at a manual count is not consistent with the requirements at Local Authority Mayoral, Combined Authority Mayoral and Police and Crime Commissioner (PCC) polls in other parts of England (and Wales) where votes are always counted manually. At these other polls, the conduct rules require the relevant Returning Officer prior to counting the votes to mix ballot papers as follows:

- in the case of postal ballot papers, mix with the ballot papers from at least one ballot box from a polling station, and
- in the case of ballot papers from a ballot box in a polling station, mix with the ballot papers from at least one other ballot box in a polling station

5.7 This instrument amends the manual count rules for all GLA contests so votes are required to be mixed in a more limited way, consistent with mixing at Local Authority Mayoral, Combined Authority Mayoral and PCC polls. This approach would enable the GLRO to use smaller count venues across London boroughs which the GLRO considers would be more appropriate where votes are counted manually and advises that it would give rise to cost-efficiencies. Also, the GLRO could provide a breakdown of results, by ward, if they wish to do so.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument amends the Greater London Authority Elections Rules 2007 (S.I. 2007/3541), which contain the rules governing the conduct of elections of constituency and London members of the London Assembly and the Mayor of London.

6.2 Rule 2 of the instrument amends Schedules 4 and 8 to the Greater London Authority Elections Rules 2007, which contain modifications of the standard conduct rules (in Schedules 1 to 3 and Schedule 5 to 7 respectively) in circumstances where the ballot papers used at the election are to be counted manually (instead of with the use of an electronic counting system). The amendments allow for verification and counting of ballot papers in each Assembly constituency to be undertaken in more than one location within the constituency and at different times.

Why was this approach taken to change the law?

6.3 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 these Regulations, and no policy objections were raised.

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 the GLRO administering the GLA elections and they will update the guidance as necessary in advance of future polls to reflect the changes set out in this instrument.

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

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").