

Background to the Law Commissions' electoral law reform project

The laws governing our elections are in need of reform. Elections are currently run using legislation that, in some parts, has not been properly reviewed since the nineteenth century. It is widely acknowledged by those involved in administering and participating in elections that this body of laws has grown so large, fragmented, complex and outdated that it is no longer fit for purpose. It imposes unnecessary burdens and costs, and in many places is no longer suited to the present day.

For these reasons the UK and Scottish Governments, the Electoral Commission and the Association of Electoral Administrators asked the UK Law Commissions to review electoral law. This review started in 2012 and is being carried out jointly by the Law Commissions of England and Wales, Scotland and Northern Ireland. Our request for the Law Commissions to undertake this review is below.

- [Our request](#)

The Law Commission of England and Wales published a consultation paper in June 2012 seeking views on the project's scope.

- [The Law Commissions' scoping consultation paper \(2012\)](#)

We responded to the consultation in September 2012.

- [Our consultation response](#)

At the same time we published reports looking at how the overall structure of the UK's electoral law and its system for challenging election results ('election petitions') compares with international guidelines and practice in other countries.

- [Electoral legislation, principles and practice: a comparative analysis](#)
- [Challenging elections in the UK](#)

In December 2012 the Law Commissions published a report identifying the project's scope. Every respondent to the Law Commissions' consultation agreed that the law governing elections needed to be reviewed.

- [The Law Commissions' scoping report \(2012\)](#)

In order to inform thinking in connection with the Law Commissions' review, we commissioned Professor Bob Watt (University of Buckingham) to carry out

independent research to compare the structure of our electoral law with laws in other countries and international guidelines, and highlight some lessons for the UK.

- [Professor Watt's Reflections on a new structure for the UK's electoral law](#)

We submitted papers to the Law Commissions in 2014 on:

- [The position of election forms and notices in the hierarchy of electoral laws](#)
- [Issues with the legislation governing the 2014 elections](#)

The Law Commissions published a consultation paper in December 2014, which summarised the current electoral law and set out their provisional recommendations.

- [Law Commissions' consultation paper \(2014\)](#)

We responded to the consultation in March 2015 and August 2015:

- [Our response to the consultation \(March 2015\)](#)
- [Our second response to the consultation \(August 2015\)](#)

We also published a report on the 'hidden costs' of electoral law, which demonstrates some of the economic and efficiency benefits of reform, and a paper providing further comments on areas of electoral law that would benefit from reform.

- [Hidden costs of electoral law](#)
- [Issues with the legislation governing the 2015 elections](#)

The Law Commissions published a report setting out their finalised recommendations in February 2016, along with a summary.

- [Law Commissions' interim report \(2016\)](#)
- [Law Commissions' interim report summary \(2016\)](#)

There is now a 'review point' – the Law Commissions and the UK and Scottish Governments will decide whether to continue the project. If the project is approved the Law Commissions aim to publish draft legislation, with a final report, in early 2017, to give Governments an opportunity to implement the reforms, if accepted, before the elections in 2020 and 2021 to the UK and devolved parliaments.

We strongly support the Law Commissions' review and very much welcome their recommendations, which will provide the UK with an electoral law fit for the twenty first century. It is important that the UK and Scottish Governments now agree that the Law Commissions can begin preparing draft legislation.

**Electoral Commission
February 2016**