[redacted]

From: FOI
Sent: 11 June 2021 13:50
To: [redacted]
Subject: FOI 084-21 - Response
Attachments: FOI 84-21 Email 1 of 2 for release_Redacted.pdf; FOI 84-21 Email 1 of 2 attachment for release.pdf; FOI 84-21 Email 2 of 2 for release_Redacted.pdf

Dear [redacted],

Ref: FOI-084-21

Thank you for your email to the Electoral Commission dated 15 May 2021 and received on 17 May 2021.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is shown below followed by our response.

From the information I have found so far it appears that the Electoral Commission were consulted about the proposed change.

Under the FOI Act I request full details of information that you hold about this consultation. This should include emails, meeting minutes etc.

Your request was in connection to the recent Police and Crime Commissioner (PCC) elections; in particular, the change to the number of subscribers required in respect of a PCC candidate's nomination.

Our response is as follows:

We hold the information you have requested.

We were consulted on draft legislation by Cabinet Office on 3 February 2021, and responded on 4 February 2021. We have released the full text of the consultation, with attachment, and our response to the consultation. You will note that some personal information has been redacted in accordance with s40 of the FOI Act as amended by the Data Protection Act.

The Commission strives to be an open, transparent authority and I trust that this information satisfies your request. If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: https://www.electoralcommission.org.uk/freedom-information/make-a-freedom-information-request.

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/.

Yours sincerely

Information Officer
FOI@electoralcommission.org.uk

The Electoral Commission
electoralcommission.org.uk

[redacted]

[redacted]

---------- Original Message ----------
From: [redacted]
Received: 03/02/2021 12:44
To: Ailsa Irvine; Charlene Hannon; Melanie Davidson; Tom Hawthorn
Cc: [redacted]
Subject: IN STRICT CONFIDENCE - Draft SI

All

Thanks for all the help so far with this - here is a STRICTLY CONFIDENTIAL draft of the Nominations SI for the affirmative changes for MCA and local mayoral and PCC polls (the locals and GLA are negative and that will follow in slightly slower time as no need for a debate).

As discussed we have gone for the reduced numbers - we could not change to electronic collection or transmission or submission without primary) - based on the '2 per LA' principle - so all areas will be calculated up to an overall figure based on how many LAs (or part LAs) re in the electoral area. If just one LA it is 2 (and that includes local mayors which oddly have 30 now) and up to 20 for MCAs (Gtr Manchester has 10 LAs) and 66 for London and up to 28 for PCCs (Lancashire has 14 LAs).

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The timetable is to get these to MCD to sign off on Friday and lay on monday with debates asap and them info force (along with the negatibe SI for locals and GLA) before 11 March at the latest - so before any NoE is published (so far \as we know).

Please do share the draft with your legal advisor(s) on the same confidential basis and I will be happy to discuss any issues asap.

Just to say I (and we) really appreciate your and your colleagues' assistance here.

[redacted]
--

[redacted]

Head of Electoral Administration

Elections Division

Constitution Group is part of

UK Governance Group

E: [redacted]

T: [redacted]

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Draft Order laid before Parliament under section 105(6) of the Local Government Act 2000, section 117(2) of the Local Democracy, Economic Development and Construction Act 2009 and section 154(2)(b) of the Police Reform and Social Responsibility Act 2011 for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2021 No. 0000

LOCAL GOVERNMENT, ENGLAND

POLICE, ENGLAND AND WALES

The Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of candidates) (Amendment) Order 2021

Made - - - - ***

Coming into force in accordance with article 1(2)

The Minister for the Cabinet Office makes this Order in exercise of the powers conferred by section 9HE(1) of the Local Government Act 2000(**a**) (the "LGA 2000"), paragraph 12(1)(a) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009(**b**) ("the 2009 Act") and sections 58(1) and 154(5) of the Police Reform and Social Responsibility Act 2011(**c**) ("the 2011 Act").

The Minister for the Cabinet Office has consulted the Electoral Commission in accordance with section 9HE(4) of the LGA 2000, paragraph 12(4) of Schedule 5B to the 2009 Act and section 7(2)(hc) of the Political Parties, Elections and Referendums Act 2000(**d**).

In accordance with section 105(6) of the LGA 2000, section 117(2) of the 2009 Act(**e**) and section 154(2)(b) of the 2011 Act, a draft of this Order has been laid before and approved by resolution of each House of Parliament.

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of candidates) (Amendment) Order 2021.

(2) This Order comes into force on the day after the day on which it is made.

(**a**) 2000 c. 22. Section 9HE was inserted by Localism Act 2011 (c. 20), Schedule 2 paragraph 1. Section 9HE(1) and (4) was amended by S.I. 2013/2597 and 2016/997.
(**b**) 2009 c. 20. Schedule 5B was inserted by the Cities and Local Government Devolution Act 2016 (c. 1), Schedule 1, and was amended by S.I. 2016/997.
(**c**) 2011 c. 13. Sections 58(1) and 154(5) were amended by S.I. 2014/268 and 2016/997.
(**d**) 2000 c. 41. Section 7(2)(hc) was inserted by the 2011 Act, Schedule 10, paragraph 11.
(**e**) Section 117(2) was substituted by the Localism Act 2011 (c .20), section 13(2).

(3) Any amendment made by this Order has the same extent and application as the provision amended, except for the amendments made by regulation 3 which apply to England only.

Expiry and saving

2.—(1) This Order expires at the end of 9th March 2022.

(2) Despite paragraph (1), this Order continues to have effect after that date in relation to an election where—

(a) the notice of the election is published before 9th March 2022, and

(b) the poll for that election takes place on or after that date.

The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007

3.—(1) The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(**a**) are amended as follows.

(2) In Schedule 1 (the mayoral elections rules), in rule 8 (subscription of nomination paper)—

(a) in paragraph 1, omit ", and by twenty-eight other electors as assenting";

(b) in paragraph 2, for ", seconding or assenting", substitute "or seconding".

(3) In Schedule 3 (mayoral election combination of poll rules), in rule 8 (subscription of nomination paper)—

(a) in paragraph 1, omit ", and by twenty-eight other electors as assenting";

(b) in paragraph 2, for ", seconding or assenting", substitute "or seconding".

Amendment of the Police and Crime Commissioner Elections Order 2012

4. In Schedule 3 to the Police and Crime Commissioner Elections Order 2012(**b**) (rules for the conduct of PCC elections where poll not taken together with poll at another election), in rule 7 (subscription of nomination paper)—

(a) in paragraph (1), for "98 other electors", substitute "such other electors (if any), as calculated in accordance with paragraph (1A),";

(b) after paragraph (1), insert—

"(1A) The number of other electors which must subscribe a nomination paper is—

$$2V - 2$$

where V is the number of voting areas wholly or partly comprised in the police area.".

Amendment of the Combined Authorities (Mayoral Elections) Order 2017

5.—(1) The Combined Authorities (Mayoral Elections) Order 2017(**c**) is amended as follows.

(2) In Schedule 1 (the combined authority mayoral elections rules), in rule 8 (subscription of nomination paper)—

(a) in paragraph (1)—

(i) for "paragraphs (2) and (3)", substitute "paragraph (2)";

(ii) for "ninety-eight other electors", substitute "such other electors, as calculated in accordance with paragraph (1A),";

(b) after paragraph (1), insert—

(**a**) S.I. 2007/1024, to which there are amendments not relevant to this Order.
(**b**) S.I. 2012/1917, to which there are amendments not relevant to this Order.
(**c**) S.I. 2017/67, to which there are amendments not relevant to this Order.

"(1A) The number of other electors which must subscribe a nomination paper is—

$$2C - 2$$

where C is the number of relevant constituent councils.";

(c) in paragraph (2), for "10", substitute "2";

(d) omit paragraph (3).

(3) In Schedule 3 (combined authority mayoral election (combination of polls) rules), in rule 8 (subscription of nomination paper)—

(a) in paragraph (1)—

(i) for "paragraphs (2) and (3)", substitute "paragraph (2)";

(ii) for "ninety-eight other electors", substitute "such other electors, as calculated in accordance with paragraph (1A),";

(b) after paragraph (1), insert—

"(1A) The number of other electors which must subscribe a nomination paper is—

$$2C - 2$$

where C is the number of relevant constituent councils.";

(c) in paragraph (2), for "10", substitute "2";

(d) omit paragraph (3).

Name
Minister of State for the Constitution and Devolution
Date Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedules 1 and 3 to The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), Schedule 3 to the Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917) and Schedules 1 and 3 to the Combined Authorities (Mayoral Elections) Order 2017 (S.I. 2017/67) to reduce the number of subscribing electors that are required on a candidate nomination form for Police and Crime Commissioner or Combined Authority Mayoral or Local Authority Mayoral elections. The reduction from 10 to 2 electors per local authority area is to reduce, as a result of Coronavirus, the amount of person to person contact that may be needed as part of the nomination process.

Article 2 provides for the expiry of these amendments at the end of 9th March 2022, except in respect of elections which have commenced but not concluded at that time, so that existing rules return to force for the May 2022 elections.

An impact assessment has not been produced for this instrument as no, or no significant, impact on business, charities or the public or voluntary sector is foreseen.

[redacted]

[redacted]

---------- Original Message ----------
From: Tom Hawthorn
Received: 04/02/2021 14:51
To: Ailsa Irvine; Charlene Hannon; Melanie Davidson; [redacted]
Cc: [redacted]
Subject: EC response to CO consultation on PCC MCA Mayoral nomination SI 2021.02.04

[redacted]
Head of Electoral Administration
Elections Division
Cabinet Office

By email

04 February 2021

Dear [redacted]

Draft Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of candidates) (Amendment) Order 2021

Thank you for sharing with us yesterday a draft version of the above Statutory Instrument for comment. We recognise the need to ensure any changes to legislation for the nomination process are in place as soon as possible before the start of the election period, and we welcome the opportunity to review and provide feedback on the draft Order.

The high-level objectives for delivering successful elections in the current public health environment, which we identified with electoral administrators, political parties and governments across Great Britain last year, recognise that those who wish to stand for election should have access to reasonable options for completing and submitting the necessary nomination papers that minimise the risk of transmission of the virus to or by them. The proposed changes to reduce the number of subscribers would mean that candidates will need to contact fewer people in order to complete their nomination forms.

We understand your policy approach is that Combined Authority Mayoral candidates will be required to collect signatures from two subscribers in each Local Authority forming part of the Combined Authority. We note that this means these candidates (or members of their team) will still need to travel between several different local authority areas during the nomination process, and therefore would welcome confirmation that this will be explicitly covered by formal exemptions to national or local restrictions to movement through coronavirus regulations as needed.

The total number of subscribers required will vary between each Police area and Combined Authority area, according to formulas set out in the Order. To give candidates and Returning Officers as much clarity and certainty as possible, we recommend that the explanatory notes to

the Order should include a table setting out the specific numbers of subscribers required for each Police and Combined Authority area. The explanatory notes could also helpfully explain how the formulas for calculating the total number of subscribers are intended to operate.

We note your intention that the amended requirements set out in this Order will remain in force until 9 March 2022, so that the existing nomination requirements will once again apply for all elections from May 2022 onwards. We would welcome confirmation that this date is sufficiently early to cover all relevant nomination processes for the scheduled May 2022 elections. Specifically, we note that a candidate's consent to nomination must be given within one month before the last day for delivery of nomination papers, which we currently understand will fall on 5 April 2022 for the elections that are scheduled to be held on 5 May.

It will be important that parties, candidates and electoral administrators are made aware of the changed requirements and have clarity about the processes around standing for election as soon as possible. The proposed changes will have widespread implications for the Commission's guidance, resources and forms, and we intend to communicate our plans to update these with stakeholders whenever the Order is laid. We would welcome early confirmation of the likely date that the Order will come into force, so that we can build that into our plans.

Finally, we understand that similar legislation would be needed to make changes to the nomination requirements for candidates at local government elections in England and elections for the Mayor of London and members of the London Assembly. We will be ready to review any such draft legislation and provide feedback as quickly as possible.

Yours sincerely,

Tom

Tom Hawthorn
Head of Policy

The Electoral Commission
[redacted]
electoralcommission.org.uk

From: [redacted]
Sent: 03 February 2021 12:44
To: Ailsa Irvine [redacted]; Charlene Hannon [redacted]; Tom Hawthorn [redacted]; Melanie Davidson [redacted]
Cc: [redacted]
Subject: IN STRICT CONFIDENCE - Draft SI

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