

The Electoral Commission

Circular EC03/2003

Consultation Paper: Election timetables in the UK

16 January 2003

For the attention of:

- **The Chief Electoral Officer**
Northern Ireland
- **The Acting Returning Officer**
Parliamentary constituencies in England and Wales
- **The Returning Officer**
Parliamentary constituencies in Scotland
Local government areas in England, Wales and Scotland
- **The Electoral Registration Officer/Assessor**
District, metropolitan borough and London borough authorities in England
Unitary authorities in England, Scotland and Wales

Purpose

1. This circular announces the launch of a consultation paper on election timetables in the United Kingdom. The aim is to seek views on whether certain adjustments to election timetables might contribute to the development of a more efficient, effective and practical system of electoral administration. The review of election timetables is part of a wider programme of policy reviews, which arose out of the Commission's report on the 2001 general election.
2. The summary and consultation paper can be downloaded from The Electoral Commission website at:

<http://www.electoralcommission.org.uk/about-us/consultationpapers.cfm>
3. Hard copies are being sent to a wide range of stakeholders, including electoral services managers, returning officers, political parties and elected representatives.

Action Points

4. The consultation period runs until 28 February 2003. Comments on all of the issues raised in the consultation paper are welcome, although we would strongly encourage you to respond to the issues raised in Chapter 4 of the paper, which concern the desirability or otherwise of having greater consistency of length across election timetables as well as greater consistency with respect to timetable deadlines. The key issues and questions are outlined in the Executive Summary at the front of the report. The final report from this review will be published in late spring 2003.
5. We recognise that responding to these consultation papers will cause extra work for electoral administrators, returning officers and registration officers, who we know are already very busy planning for this year's elections. However, as stated in circular EC59 (2002), the reason for so many consultations at this time is that the Government has indicated to the Commission that they will seek an opportunity to introduce legislation on electoral issues during the Parliamentary session beginning Autumn 2003. To meet the deadline, we need to have identified recommendations for change by April of this year.

Contact Point and Further Information

6. For further information, please contact Mark Williams on 020 7271 0566; email mwilliams@electoralcommission.gov.uk

Election timetables in the UK

In our report on the 2001 general election we stated that we would undertake a review of the timetable for parliamentary general elections. In particular, we drew attention to the disparity between the timetable length for general elections and that for local and other UK elections, concluding that this created problems for administrators, election agents and candidates.

Full copies of the consultation paper linked to this review are available at: www.electoralcommission.org.uk or in hard copy from the Commission's offices.

The consultation paper considers whether certain adjustments to election timetables might contribute to the development of a more efficient, effective and practical system of electoral administration. We are particularly keen to receive responses to the questions of principle raised in chapter 4, relating to timetable consistency and length. Responses are due by 28 February 2003.

Election timetables in the UK
For almost all elected bodies in the UK a fixed 25-day timetable is the norm. The principal exception is the parliamentary general election timetable, which is 17 working days in length. In addition, the parliamentary by-election timetable can vary between 15 and 19 working days, while the Scottish Parliament timetable also has a slightly different timescale, running for a minimum of 25 days and a maximum of 28 days.

Key issues

Timetable consistency

The paper considers whether it is desirable in principle to have greater consistency of length across election timetables, as well as greater consistency with respect to the timing of the various deadlines which form their basic structure. It highlights a number of arguments in favour of greater election timetable consistency:

- Consistency across election timetables may contribute to the development of a more efficient and straightforward system of electoral administration.

- Consistency could assist political parties and candidates, since the potential for confusion about the timing of deadlines would be reduced, if not eliminated.
- An alignment of the parliamentary general and local government timetables would eliminate any confusion that currently exists with respect to hours of polling.
- The potential for confusion of the kind highlighted above would be exacerbated in the case of combined elections. Greater consistency could eliminate such confusion.

Timetable length

The shorter length of the parliamentary general election timetable may cause a number of difficulties:

- a heavy workload for electoral administrators, particularly in light of the introduction of postal voting on demand and provisions allowing a postal or proxy vote application to be accepted up to six working days before the poll;
- a very short timescale for electors to organise a postal vote for a particular election;
- different, and consequently confusing, deadlines in the case of combined elections.

The timetable for a parliamentary by-election is often shorter than that which is applied to a general election. In recent times, the length has generally been 15 days. This can cause problems for candidates, political parties and electoral administrators. These include:

The Electoral Commission: Election timetables in the UK

- the fact that there are often more candidates than at a general election, many fielded by new or minor parties, which puts added pressure on electoral administrators;
- the fact that electors may be unaware of the need to register or to obtain a postal vote well in advance;
- the fact that electoral administrators, political parties and voters will not have much notice of the day of polling.

The Commission suggests that the most obvious solution would be to apply an amended 25-day local government timetable to parliamentary general elections and by-elections.

Issues for comment

Q: Do you agree with the principle that there should be consistency across election timetables in terms of length?

Q: If so, is 25 days the most appropriate length?

Q: If it is not 25 days, what is the most appropriate length?

Q: Do you agree with the principle that there should be consistency with respect to the deadlines that structure election timetables?

Polling hours and *dies non*

At present, polling hours at local government elections are set at 8am to 9pm, while for almost all other UK elections hours of polling are 7am to 10pm. For combined elections the regulations provide for the hours of 7am to 10pm to apply.

The Commission believes that the two current separate sets of hours may cause confusion among voters, and we suggest that polling hours should be standardised at 7am to 10pm across all UK election timetables.

We also suggest that provision might be made to enable polling day to fall on a *dies non*, so allowing for the

possibility of weekend voting at any election without the need for further legislative change.

Issues for comment

Q: Do you agree that polling hours at all UK elections should be aligned?

Q: If so, should the standard hours be 7am to 10pm?

Q: If not, which standard hours of polling would you favour?

Q: Should provisions be made (under new timetable arrangements) to enable polling day to fall on a *dies non*, so allowing for the possibility of weekend voting at any election without the need for further legislative change?

Technical issues

A model 25-day timetable that could be applied to parliamentary general and by-elections is set out below.

Adjustments could be made to the timetables for European Parliament, local government, and devolved elections in order to bring them into alignment with the suggested new timetable.

Issues for comment

Q: Do you agree that the 25-day timetable set out above should be the model for all elections in the UK?

Q: If not, what should be the model?

Q: Would the application of the 25-day timetable present any difficulties for political parties, candidates, electoral administrators or voters?

Q: Do you believe that deadlines that are currently set at the discretion of the returning officer for each election should to be fixed in legislation?

Proceeding	Day	Time
Proclamation/issue of writ (applies to parliamentary general and by-elections only)	- 27	
Receipt of writ (applies to parliamentary general and by-elections only)	- 26	
Latest date for publication of notice of election	- 25	
	- 24	
	- 23	
	- 22	
	- 21	
	- 20	
	- 19	
	- 18	
	- 17	
	- 16	
Last day for delivery of nomination papers and delivery of notices of withdrawals (12pm). Last day for the appointment of election agents (12pm).	- 15	
Publication of statement of persons nominated (5pm).	- 14	
	- 13	
	- 12	
	- 11	
	- 10	
	- 9	
	- 8	
	- 7	
Close of applications for postal and proxy votes (5pm) (Great Britain)	- 6	
	- 5	
Issue of ballot papers following applications by postal voters for replacement of lost ballot papers	- 4	
	- 3	
Last day for appointment of polling and counting agents	- 2	
Issue of replacement ballot papers for lost or spoilt ballot papers (5pm)	- 1	
Polling day (7am–10pm)	0	

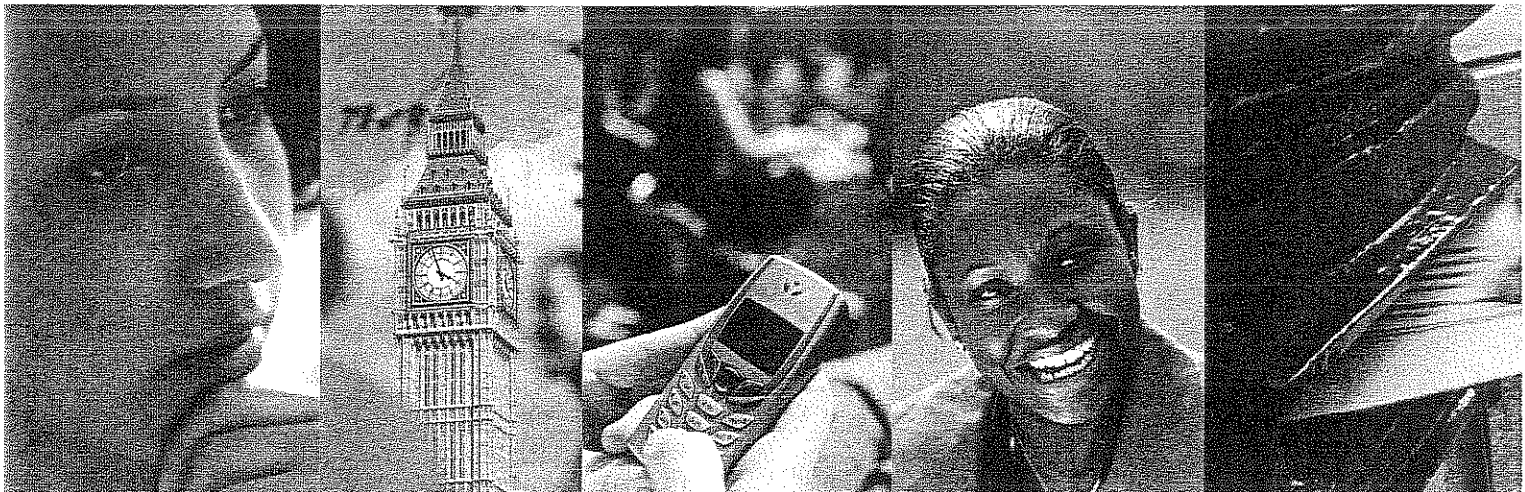
We are an independent body that was set up by Parliament. We aim to gain public confidence and encourage people to take part in the democratic process within the United Kingdom by modernising the electoral process, promoting public awareness of electoral matters, and regulating political parties. For more information see: www.electoralcommission.org.uk

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Election timetables in the UK

Consultation paper
January 2003



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Executive summary

Background

In our report on the 2001 general election we stated that we would undertake a review of the timetable for parliamentary general elections. In particular, we drew attention to the disparity between the timetable length for general elections and that for local and other UK elections, concluding that this created problems for administrators, election agents and candidates.

This consultation paper considers whether certain adjustments to election timetables might contribute to the development of a more efficient, effective and practical system of electoral administration. We are particularly keen to receive responses to the questions of principle raised in Chapter 4, relating to timetable consistency and length. Responses are due by 28 February 2003.

Election timetables in the UK

For almost all elected bodies in the UK a fixed 25-day timetable is the norm. The principal exception is the parliamentary general election timetable, which is 17 working days in length. In addition, the parliamentary by-election timetable can vary between 15 and 19 working days, while the Scottish Parliament timetable also has a slightly different timescale, running for a minimum of 25 days and a maximum of 28 days.

Key issues

Timetable consistency

The paper considers whether it is desirable in principle to have greater consistency of length across election timetables, as well as greater consistency with respect to the timing of the various deadlines which form their basic structure. It highlights a number of arguments in favour of greater election timetable consistency:

- Consistency across election timetables may contribute to the development of a more efficient and straightforward system of electoral administration.
- Consistency could assist political parties and candidates, since the potential for confusion about the timing of deadlines would be reduced, if not eliminated.
- An alignment of the parliamentary general and local government timetables would eliminate any confusion that currently exists with respect to hours of polling.
- The potential for confusion of the kind highlighted above would be exacerbated in the case of combined elections. Greater consistency could eliminate such confusion.

Timetable length

The shorter length of the parliamentary general election timetable may cause a number of difficulties:

- a heavy workload for electoral administrators, particularly in light of the introduction of postal voting on demand and provisions allowing a postal or proxy vote application to be accepted up to six working days before the poll;

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- different, and consequently confusing, deadlines in the case of combined elections.

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- the fact that there are often more candidates than at a general election, many fielded by new or minor parties, which puts added pressure on electoral administrators;
- the fact that electors may be unaware of the need to register or to obtain a postal vote well in advance;
- the fact that electoral administrators, political parties and voters will not have much notice of the day of polling.

The Commission suggests that the most obvious solution would be to apply an amended 25-day local government timetable to parliamentary general elections and by-elections.

Issues for comment

Q1 *Do you agree with the principle that there should be consistency across election timetables in terms of length?*

Q2 *If so, is 25 days the most appropriate length?*

Q3 *If it is not 25 days, what is the most appropriate length?*

Q4 *Do you agree with the principle that there should be consistency with respect to the deadlines that structure election timetables?*

Polling hours and *dies non*

At present, polling hours at local government elections are set at 8am to 9pm, while for almost all other UK elections hours of polling are 7am to 10pm. For combined elections the regulations provide for the hours of 7am to 10pm to apply.

The Commission believes that the two current separate sets of hours may cause confusion among voters, and we suggest that polling hours should be standardised at 7am to 10pm across all UK election timetables.

We also suggest that provision might be made to enable polling day to fall on a *dies non*, allowing for the possibility of weekend voting at any election without the need for further legislative change.

Issues for comment

Q1 *Do you agree that polling hours at all UK elections should be aligned?*

Q2 *If so, should the standard hours be 7am to 10pm?*

Q3 *If not, which standard hours of polling would you favour?*

Q4 *Should provision be made (under new timetable arrangements) to enable polling day to fall on a dies non, allowing for the possibility of weekend voting at any election without the need for further legislative change?*

Technical issues

A model 25-day timetable that could be applied to parliamentary general elections and by-elections is set out below. Adjustments could be made to the timetables for European Parliament, local government and devolved elections to bring them into alignment with the suggested new timetable.

Model 25-day election timetable

Proceeding	Day before poll
Proclamation/issue of writ (applies to parliamentary general elections and by-elections only)	-27
Receipt of writ (applies to parliamentary general elections and by-elections only)	-26
Latest date for publication of notice of election	-25
	-24
	-23
	-22
	-21
	-20
	-19
	-18
	-17
Last day for delivery of nomination papers and delivery of notices of withdrawals (12pm). Last day for the appointment of election agents (12pm). Publication of statement of persons nominated (5pm).	-16
	-15
	-14
	-13
	-12
	-11
	-10
	-9
	-8
	-7
Close of applications for postal and proxy votes (5pm) ¹	-6
	-5
Issue of ballot papers following applications by postal voters for replacement of lost ballot papers	-4
	-3
Last day for appointment of polling and counting agents	-2
Issue of replacement ballot papers for lost or spoilt ballot papers (5pm)	-1
Polling day (7am–10pm)	0

¹ The different absent voting deadlines would continue to apply in Northern Ireland.

Issues for comment

- Q1** *Do you agree that the 25-day timetable set out above should be the model for all elections in the UK?*
- Q2** *If not, what should be the model?*
- Q3** *Would the application of the 25-day timetable present any difficulties for political parties, candidates, electoral administrators or voters?*
- Q4** *Do you believe that deadlines that are currently set at the discretion of the returning officer for each election should be fixed in legislation?*

1 Introduction

Purpose

- 1.1 The purpose of this consultation paper is to seek views on the need for changes to election timetables in the UK, and the nature of any such changes.
- 1.2 Responses must be received by 28 February 2003. Instructions for respondents are at the front of this paper.

Background

- 1.3 The Electoral Commission has a strong interest in the modernisation of our electoral services, and a statutory obligation (under section 6 of the Political Parties, Elections and Referendums Act 2000) to 'keep under review, and from time to time submit reports to the Secretary of State on ... such matters relating to elections to which this section applies as the Commission may determine from time to time'.
- 1.4 In our report on the 2001 general election – *Election 2001: The Official Results* – we stated that we would undertake a review of the timetable for parliamentary general elections. In particular, the report drew attention to the disparity between the timetable length for general elections and that for local and other UK elections. The general election timetable is relatively short, at 17 working days,² while for local government and most other elections it runs for 25 days.³
- 1.5 The issue of timetable disparity was raised partly as a consequence of the confusion which arose as a result of the combination of the general election with local elections in 45 areas in England, several Scottish Parliament and local by-elections, and local elections in Northern Ireland. Moreover, the introduction of new and reformed elected bodies may bring about additional forms of combined election. If this proves to be the case, the different deadlines that would apply could cause confusion for candidates, election agents and political parties.
- 1.6 In our report, we further argued that the general election timetable was very tight, which in itself caused significant problems for administrators, election agents and candidates, not least because of the changes to party registration and postal voting introduced by the Political Parties, Elections and Referendums Act 2000 and Representation of the People Act 2000. It is for these reasons that we believe the current election timetable arrangements should be reviewed.
- 1.7 Our report on the general election also stated that the review of election timetables would include an appraisal of the case for fixing the term of the Westminster Parliament. We intend to begin examining this issue separately in Spring 2003, following the completion of this review of election timetables.

² The statutory timetable begins on Day 1 with the receipt of writs and ends on Day 17 (polling day). However, while not part of statute, the Royal Proclamation and issue of writs (Day 0) form an integral part of the parliamentary general election timetable.

³ Deadlines are calculated backwards from polling day, which is not considered to be part of the relevant 25-day timetable.

Since the issue of fixed-term parliaments is to be dealt with in due course, we would request that comments and contributions on the subject be withheld until the consultation phase of that review begins later in 2003.

- 1.8 It should also be noted that this review of election timetables is concerned with the pre-election timetable. This means that its scope does not extend to deadlines which fall after polling day – for example, deadlines for election petitions and election expense returns.

Review process

- 1.9 This review considers the need for change to current timetables for elections in the UK. The aim is to determine whether certain adjustments to election timetables might contribute to the development of a more efficient, effective and practical system of electoral administration. The review considers a range of issues relating to election timetables, including the principle of consistency, timetable length, days not considered for the purposes of timetable computation (*dies non*), and the various deadlines, or cut-off points, which apply to election timetables.
- 1.10 The review covers timetables that apply to the following elections:
- Westminster Parliament (general elections and by-elections);
 - European Parliament;
 - Scottish Parliament;
 - National Assembly for Wales;
 - Northern Ireland Assembly;
 - local government (England and Wales);
 - local government (Northern Ireland);
 - Greater London Authority (GLA);
 - community, parish and mayoral (England and Wales).
- 1.11 The paper does not consider the Scottish local government election timetable which, under section 42 of the Representation of the People Act 1983(a), is a matter for the Scottish Parliament.
- 1.12 The review is part of a wider programme of Electoral Commission reviews which addresses a range of electoral issues. As explained below, some of these overlap with the content of this review of election timetables.
- 1.13 Our absent voting review, for example, is considering whether present deadlines for applying for absent and proxy votes ought to be changed to reflect increased demands on the administration of postal voting. A consultation paper for this review was published in October 2002, with a response deadline of 29 November 2002.
- 1.14 We are also conducting a review of nomination procedures, examining ways in which the process might be made more efficient, effective and fair. The consultation paper for this review was published in January 2003, with submissions due by early Spring 2003.
- 1.15 Electoral Commission consultation papers, together with full details of all our policy reviews can be found on our website: www.electoralcommission.org.uk

- 1.16 This review of election timetables will take account of comments received in the context of the specific reviews mentioned above.
- 1.17 The proposals made in this paper, and on which we invite views and comments, have been developed on the basis of work carried out by Commission staff, together with a research report prepared by Oonagh Gay of the House of Commons library (currently on secondment to the Constitution Unit, University of London).⁴
- 1.18 Once we have taken account of evidence submitted in response to this consultation, we will develop our final report and recommendations which will be submitted to the Government and published. If accepted, the recommendations may lead to amended legislation, although we have no powers to impose any recommendations that our report makes.

Policy

- 1.19 This consultation paper has been prepared by staff of The Electoral Commission working with a small Project Board comprising Sam Younger, Chairman of The Electoral Commission, and Oonagh Gay. At this stage the Commission has taken no decision with respect to either the principles or the detailed issues addressed in this review. The final decision will be taken in the light of responses received to this consultation paper.

⁴ Oonagh Gay (2002), *Election Timetables in the United Kingdom*, report submitted to The Electoral Commission.

2 Background

- 2.1 The statutory basis of current election timetables was set by the Representation of the People Act 1918 (RPA 1918). In recent decades some minor amendments have been made to election timetables. For example, the Representation of the People Act 2000 brought forward the date on which postal vote applications could be received from 11 working days before the poll to six working days. Earlier changes included the insertion of Saturday as a *dies non*, adjustments to the last day for the delivery of nomination papers in the Representation of the People Act 1981, and the consolidation of the *dies non* at Easter and Christmas in the Representation of the People Act 1985.
- 2.2 Since the early 1990s a number of reports have also been written and reviews conducted which deal with electoral issues, some of which have addressed subjects relevant to election timetables.
- 2.3 What is striking is that none of these reports and reviews has considered the issue of timetable length or indeed its formal composition. The fundamentals of election timetables remain as introduced in the RPA 1918 with adaptations for each type of election.
- 2.4 This section provides an overview of recent reports and reviews that have, albeit indirectly, addressed election timetable-related matters.

1993 Report of the Hansard Society Commission on Election Campaigns

- 2.5 In September 1991 the all-party Hansard Society Commission on Election Campaigns published a report entitled *Agenda for Change*. Among the issues discussed in the report (and the one relevant to election timetables) was that of current polling day arrangements and whether, in particular, provision should be made to allow voting at weekends. The report referred to a submission made by the Society of Local Authority Chief Executives (SOLACE) that supported the switching of polling day to Sunday and to the fact that there was some public backing for weekend voting. While noting the arguments for switching polling day, and the fact that most other European democracies voted at the weekend, the Hansard Society Commission chose not to make any recommendation on the matter.

1993 Labour Party Report of the Working Party on Electoral Systems

- 2.6 The Labour Party's 1993 Review chaired by Lord Plant ('The Plant Report') considered a range of issues relating to the timing of elections. Like the Hansard Society Commission report, the Working Party examined whether electors would benefit if elections were to be held on days other than a Thursday (general elections have been held on a Thursday since 1935) and also over a longer period. The Working Party argued for the introduction of early voting for a period of eight days, ending 48 hours prior to the poll, together with a change to statutory election days and hours so that voting would take place on Saturday from 8am to 6pm and Sunday from 8am to 1pm. The Working

Party also advocated the adoption of a fixed, four-year term for the Westminster Parliament. As already mentioned, this is an issue that we will begin examining in Spring 2003.

1997–8 Home Affairs Select Committee Report on Electoral Law and Administration

- 2.7 The Home Affairs Select Committee set up after the 1997 general election chose electoral law and administration as one of its first full inquiries. The Committee's inquiry took place while a Working Party on Electoral Procedures had also been meeting (see section 2.8 below). The main subjects for the Select Committee's consideration were how to improve the accuracy of the electoral register and how the physical process of casting a vote might be made easier. With respect to one element of the election timetable – polling day – the Committee did recommend that harmonised voting hours of 7am to 9pm be brought in for local and national elections. In addition, the Committee noted that there was no statutory or other requirement for elections to be held on a Thursday and advocated experiments with weekend voting to see if such arrangements might boost turnout.

1999 Home Office Working Party on Electoral Procedures

- 2.8 After the 1997 general election, the new Labour government set up the Home Office Working Party on Electoral Procedures. Chaired by George Howarth MP, the Working Party commissioned papers on a range of electoral issues and examined recommendations for change to electoral practice that would 'contribute to democratic renewal in the United Kingdom'. Its focus covered electoral registration issues, voting arrangements and access to electoral services by disabled people. Other issues considered by the Working Party included possible options for an electoral commission and voter education. The Working Party did not consider the length or composition of election timetables. However, the issues of polling hours and polling days were discussed, with the Working Party recommending that new arrangements be tested in pilot schemes at local elections.⁵

⁵ The Commission's evaluation of the 2002 local electoral pilot schemes – *Modernising elections* – can be downloaded at http://www.electoralcommission.org.uk/files/dms/Modernising_elections_6574-6170_ENS_W.pdf.

3 Election timetables in the UK

The statutory basis of election timetables

- 3.1 The origins of many of the UK's current electoral laws and procedures can be traced back to the end of the 19th century and early decades of the 20th century. This is certainly true of today's election timetables. Indeed, their fundamentals remain as set by the Representation of the People Act 1918, with adaptations for each type of election. Elections in the UK are run in accordance with statutory rules – for example, the Parliamentary Elections Rules – and these rules spell out, usually in Rule 1, the timetable for that type of election.
- 3.2 The statutory form of the election timetable deals only with the announcement of the election, the deadlines for nomination of candidates, the appointment of polling and counting agents and polling arrangements. However, each election timetable has additional deadlines, including the various absent voting deadlines. These are set out in separate parts of election statute and delegated legislation, and are identified more fully in sections 3.8 to 3.11 below. The appendices to this consultation paper present the timetables that currently apply to most types of election in the UK.
- 3.3 Table 1 provides details of the different types of election in the UK and the statutory source of their associated rules.

Table 1: Types of election and associated rules

Type of election	Rules	Area(s) to which rules apply
Local government	Local Elections (Principal Areas) Rules 1986	England and Wales
	Scottish Local Government Elections Rules 2002	Scotland
	Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, as substituted by the Local Elections (Northern Ireland) Order 1985 and amended by the Local Elections (Amendment) Order 2001	Northern Ireland
Parish council, community council	Local Elections (Parishes and Communities) Rules 1986	England and Wales
Community council	Scottish Local Government Elections Rules 2002 ⁶	Scotland

⁶ There are no statutory rules for community council elections in Scotland – elections are organised at the discretion of the returning officer. In practice, however, most returning officers tend to apply the same rules for community council elections as are prescribed for local government elections in Scotland.

Greater London Authority	Greater London Authority Elections (No. 2) Rules 2000 – Rule 3	London
National Assembly for Wales	Assembly Elections Rules, contained in Schedule 5 of the National Assembly for Wales (Representation of the People) Order 1999	Wales
Scottish Parliament	Scottish Parliamentary Election Rules, contained in Schedule 2 of the Scottish Parliament (Elections etc.) Order 2002	Scotland
Northern Ireland Assembly	Parliamentary Elections Rules contained in Schedule 1 of the Representation of the People Act 1983 (RPA 1983), as modified by the Northern Ireland Assembly (Elections) Order 2001	Northern Ireland
Parliamentary general	Parliamentary Elections Rules contained in Schedule 1 of the Representation of the People Act 1983 (RPA 1983)	United Kingdom
European parliamentary	Parliamentary Elections Rules as amended by the European Parliamentary Elections Regulations 1999	United Kingdom

Timetable length

- 3.4 For almost all elected bodies in the UK a fixed 25-day timetable is the norm. The principal exception is the parliamentary general election timetable, which is 17 working days in length. In addition, the parliamentary by-election timetable can vary between 15 and 19 working days, depending on the day set for the last day for delivery of nomination papers. In recent times, parliamentary by-elections have generally been set to the shortest possible deadline of 15 days. The Scottish Parliament timetable also has a slightly different timescale, running for a minimum of 25 days and a maximum of 28 days.
- 3.5 In 2001, the GLA Assembly Elections Investigative Committee began a review of the 2000 GLA elections. The Committee issued a report in 2002, which made recommendations relating to the conduct of those and future GLA elections. These recommendations were submitted to the Greater London Returning Officer (GLRO) who, in Spring 2002, issued a consultation paper inviting comments and views on a range of proposals made by the Committee. One of the proposals was to lengthen the GLA election timetable by seven days, from 25 to 32 days.⁷ In practice, this would mean that each Notice of Election would be issued not later than the 32nd day before the day of election (rather than the

⁷ *GLA Elections 2004: Consultation on Major Issues* (available to download at www.london.gov.uk/approot/assembly/assemmtgs/2002/assemapr10/assemapr10Item11.rtf).

present 25th day), with all other deadlines brought forward by seven days (excluding any *dies non*) up to the Notice of Poll, except the last day for postal vote applications and the last days for the issue of postal votes and the emergency issue of postal votes.

- 3.6 The results of the consultation exercise formed the basis of the GLRO's recommendations for change, which were submitted to the Government Office for London (GOL) in June 2002. These included, among other issues, the proposal to extend the GLA timetable from 25 to 32 days. In December 2002 the GOL invited comments on draft legislation that would amend the GLA election rules. The consultation period runs until March 2003 and we will take account of any views expressed on the issue of the GLA timetable (within the context of this review) when preparing our responses to the GOL proposals.⁸
- 3.7 Table 2 sets out the length of different timetables applying to various UK elections.

Table 2: A comparison of UK election timetable lengths

Type of election	Timetable length: days
Parliamentary general	17
Parliamentary by-election	15–19
European Parliament	25
Scottish Parliament	25–28
National Assembly for Wales	25
Northern Ireland Assembly	25
Local government (England and Wales)	25
Local government (Northern Ireland)	25
Parish and community (England and Wales)	25
Mayoral	25
Greater London Authority	25 (32 proposed)

Timetable deadlines and *dies non*

- 3.8 All election timetables are organised around a series of specific deadlines (or cut-off points) set out in statute and delegated legislation. These deadlines cannot be altered by electoral administrators and are expressed in 'working days'. This means that certain days – termed *dies non*⁹ – are disregarded for the purposes of computing election timetables. When calculating an election timetable the following *dies non* apply:

- a Saturday or Sunday;

⁸ If the Government proceeds with its proposal to combine local council, GLA and European parliamentary elections in 2004 (and this seems likely given that it has been introduced as Clause 103 in the Local Government Bill, which is due to receive its second reading in January 2003) then it is unlikely that certain changes to the existing GLA timetable would be implemented before the 2008 elections (see *Combining English Local Authority, Greater London Authority and European Parliament Elections in 2004: A Consultation Paper*, which can be downloaded at http://www.local-regions.odpm.gov.uk/consult/comb_elec/index.htm).

⁹ Short for *dies non juridicus* ('non judicial day').

- Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or bank holidays applicable in the various parts of the United Kingdom, as designated under the Banking and Financial Dealings Act 1971;¹⁰
- a day appointed for public thanksgiving or mourning.

3.9 The key deadlines relevant to all election timetables relate to:

- publication of notice of election;
- delivery of nomination papers;
- delivery of notices of withdrawals of candidature;
- publication of statement as to persons nominated/notice of poll;
- applications to vote by post or proxy;
- polling day.

3.10 Other statutory deadlines applicable to elections can be split into two categories:

- specific requirements for that type of election and contained elsewhere in the relevant election rules – for example, the last day for notice of appointment of counting agents (and polling agents);
- general requirements applicable to all elections, for example:
 - deadlines for the receipt of absent voting applications, amendments, cancellations;
 - last day for the electoral registration officer to correct a clerical error;
 - last day for notice of appointment of election agents;
 - deadlines regarding the issue of replacements for spoilt or lost postal ballot papers;
 - last day for receipt of returns of election expenses.

3.11 While, as mentioned above, electoral administrators have no power to change any of these deadlines, there are other deadlines which are set at the discretion of the returning officer. These include the issue of poll cards, issue of postal votes and opening of postal votes. Such dates are not fixed by statute or secondary legislation.¹¹

¹⁰ At a local government election it will be those applicable in England and Wales or Scotland or Northern Ireland depending on the location of the local authority. At a parliamentary by-election it will be those applicable in the part of the UK in which the constituency is located. At a parliamentary general election it will be those applicable in *any* part of the UK. So, for example, St Patrick's Day is a bank holiday in Northern Ireland and would not be a *dies non* at a district council election in England but would be a *dies non* at a parliamentary general election, at which the same timetable is applicable throughout the UK.

¹¹ In light of the increased use of postal votes, the Commission is aware that there may be a question about the timing of the issuing, receipt and return of postal votes, and the distribution and receipt of the 'free' postal communication (the cost of which is met by central government) at European and parliamentary general elections. More specifically, voters may not receive this communication until after they have completed and returned their postal ballot papers. While the timing of election mail deliveries is not within the scope of the formal election timetable, and is therefore not considered as part of this review, we would welcome any views or comments on this matter.

Computation of time

- 3.12 Under Rule 1 of the Parliamentary Elections Rules, the timetable for a parliamentary general election is computed forward from the day of the proclamation summoning the new Parliament. As with all election timetables, *dies non* are disregarded for the purposes of computing this timetable. The timetable runs from the proclamation and issue of writ (Day 0), with the statutory timetable beginning on Day 1 (receipt of writ). The key stages in the parliamentary general election timetable are shown in Table 3.

Table 3: Parliamentary election timetable (computed forwards from day of proclamation)

Proceeding	Day
Proclamation and issue of writ	0
Receipt of writ	1
Last day for publication of notice of election (4pm)	3
Last day for delivery of nomination papers/withdrawals of candidature/appointment of election agents (4pm)	6
Statement of persons nominated published at close of time for making objections to nomination papers (5pm on Day 6, or as soon afterwards as any objections are disposed of)	
Last day for receipt of absent voting applications (5pm)	11
Last day for appointment of polling and counting agents	15
Polling day (7am–10pm)	17

- 3.13 The parliamentary general election timetable is complicated by the fact that certain deadlines – for example, those for absent voting – are calculated backwards from polling day. Once the date of the election is known, however, it is possible to reverse the calculations, so that polling day becomes Day 0 and the proclamation/issue of writ becomes Day -17. This method of calculating backwards from polling day is the one used for almost all other UK election timetables, the exception being the parliamentary by-election timetable which, like the general election timetable, is calculated forwards from the issue of writ. In order to illustrate how the calculation of such timetables differs from the method formally prescribed for parliamentary general elections, Table 4 shows the timetable for local government elections in England and Wales. As can be seen, the calculation works backwards from polling day to publication of notice of election (Day -25).

Table 4: Local government election timetable (days before poll)

Proceeding	Day before poll
Last day for publication of notice of election	-25
Last day for delivery of nomination papers (12pm)	-19
Publication of statement of persons nominated (12pm)	-17
Withdrawal of candidature (12pm)	-16
Publication of notice of poll	-6
Last day for receipt of absent voting applications	-6
Last day for appointment of polling and counting agents	-5
Polling day (8am–9pm)	0

4. Key issues

- 4.1 The previous chapter provided an overview of the statutory principles and procedures underpinning the operation of election timetables in the UK. This chapter examines a number of key issues relating to election timetable consistency and length.
- 4.2 We would strongly encourage stakeholders to consider the issues of principle raised in this chapter and to submit responses to the questions posed in the final section. We would also welcome comments on any areas within the scope of the review which respondents feel have not been adequately addressed in this chapter.

Timetable consistency

- 4.3 As highlighted in the previous chapter, some differences exist between election timetables with respect to their overall length. The principal difference concerns parliamentary general elections and by-elections, which have timetables of 17 and 15–19 working days respectively, and elections to other representative bodies, which tend to be based on a fixed 25-day timetable.
- 4.4 One issue that emerged during the research phase of this review was that of consistency; specifically, whether it would be desirable in principle to have greater consistency of length across election timetables as well as greater consistency with respect to timetable deadlines. This consultation paper focuses on consistency in both respects, although the present section is concerned solely with the *principle* of consistency. Detailed technical issues relating to specific timetable deadlines are dealt with in Chapter 6 of this consultation paper.
- 4.5 There are a number of arguments in favour of greater election timetable consistency:
- Consistency across election timetables may contribute to the development of a more efficient and straightforward system of electoral administration. In particular, it might bring efficiency benefits for electoral administrators, the people responsible for calculating, implementing and managing election timetables.
 - Consistency of timetable length and deadlines could assist political parties and candidates, since the potential for confusion about the last day for delivery of nomination papers, appointment of election agents, etc., would be reduced, if not eliminated. Parties and candidates would know that, whichever type of election was being contested, the timetable length and deadlines would be identical.
 - Consistency might also bring some benefits for voters. For example, an alignment of the parliamentary general and local government timetables would eliminate any confusion that currently exists about hours of polling.
 - The increasing frequency of combined elections means that the potential for confusion is even greater. Greater consistency could eliminate such confusion.

Timetable length

- 4.6 This section considers the issue of election timetable length. We believe that it is important to seek views on this issue because it is essential that any potential recommendation with respect to standardising election timetable length is based upon an informed and objective assessment of the nature and implications of any change.

Parliamentary general elections

- 4.7 As noted above, most UK elections are based on a fixed 25-day timetable, the principal exception being the timetable for parliamentary general elections (see Appendix 1), which runs for 17 working days. The Commission is aware that the shorter length of the general election timetable may cause a number of difficulties:

- a heavy workload for electoral administrators, particularly in light of the changes introduced by the Representation of the People Act 2000, which introduced postal voting on demand and allowed a postal or proxy vote application to be accepted up to six – rather than 11 – working days before the poll;
- a very short timescale for electors to organise a postal vote for a particular election – at present voters have two weeks from the issuing of writs to send in applications;
- problems caused as a result of combining local and parliamentary general elections. These can arise for candidates, political parties and voters as a consequence of the different deadlines that apply for absent voting and nomination of candidates.

Parliamentary by-elections

- 4.8 The timetable for a parliamentary by-election (see Appendix 2) follows the general principles that apply for a parliamentary general election, but is in practice often shorter. The polling day is between Days 15 and 17, 16 and 18, or 17 and 19 depending on the day set for the last day for delivery of nomination papers. The amount of notice given for a parliamentary by-election also tends to be much shorter than for a general election, since there is no public announcement of the election until the writ is moved.¹² In recent times parliamentary by-elections have generally been set to the shortest possible deadline of 15 days.

- 4.9 The brevity of the timetable for parliamentary by-elections can cause particular problems for electors, candidates, political parties and electoral administrators. These include:

- the fact that there are often more candidates than usual at a general election, often fielded by new or minor parties, which puts added pressure on electoral administrators;
- the fact that electors may be unaware of the need to register or to obtain a postal vote well in advance;

¹² The issue of the timing of a parliamentary by-election will be examined as part of our review of fixed-term parliaments, scheduled to begin in Spring 2003.

- the fact that electoral administrators, political parties and voters will not have much notice of the day of polling.

Other elections

- 4.10 For almost all other elections in the UK a 25-day timetable is the norm. The current exception to this is the Scottish Parliament timetable, which can vary in length from 25 to 28 days. In addition, there are plans to lengthen the GLA timetable from 25 to 32 days, although it is unlikely that any change would be implemented before 2008.
- 4.11 If we were to conclude that consistency is desirable and also that the parliamentary general and by-election timetables are too short, the most obvious solution would be to apply an amended 25-day local government timetable to these elections. The technical implications of any such change are explored at length in Chapter 6 of this consultation paper.

Issues for comment

- 4.12 The Commission invites comment on the following issues:
- a. Do you agree with the principle that there should be consistency across election timetables in terms of length?**
 - b. If so, is 25 days the most appropriate length?**
 - c. If it is not 25 days, what is the most appropriate length?**
 - d. Do you agree with the principle that there should be consistency with respect to the deadlines that structure election timetables?**

5. Polling hours and *dies non*

Polling hours

- 5.1 At present, polling hours at local government elections are set at 8am to 9pm while for almost all other UK elections hours of polling are 7am to 10pm.¹³ Where, however, the poll at a local government election is combined with the poll at a parliamentary or European parliamentary election the regulations provide for the hours of 7am to 10pm to apply.¹⁴ Current polling hour arrangements for all UK elections are set out in Table 5.

Table 5: Polling hours at UK elections

Election	Polling hours
Parliamentary general elections	7am–10pm
Parliamentary by-elections	7am–10pm
European Parliament	7am–10pm
Scottish Parliament	7am–10pm
National Assembly for Wales	7am–10pm
Northern Ireland Assembly	7am–10pm
Local, parish and mayoral	8am–9pm
Greater London Authority	7am–9pm (7am–10pm proposed)
Combined	7am–10pm

- 5.2 We believe that the two current separate sets of hours – 8am to 9pm at local government elections; 7am to 10pm at almost all other elections – may cause confusion among voters. Consequently, we suggest the alignment of polling hours at 7am to 10pm across all UK election timetables.

Dies non

- 5.3 As discussed in Chapter 3, each timetable has provisions for disregarding certain days, termed *dies non*, in computing time. Elections can be held on any weekday except the *dies non*, although the convention has been to hold them on a Thursday.
- 5.4 The inclusion of Saturday and Sunday as *dies non* in all election timetables excludes their use as polling day. There has been considerable interest in this subject as part of the debate about making voting more accessible in order to increase turnout. The Government has recently published a consultation paper inviting the submission of comments and views on the possibility of weekend voting.¹⁵ While the Representation of the People Act 2000 contains a provision for suspending election rules (including *dies non*) within the context of local

¹³ The exceptions are local elections in Northern Ireland, where polling hours are 7am to 10pm, and elections to the Greater London Authority (GLA) where polling hours of 7am to 9pm apply. However, the Greater London Returning Officer has recommended that GLA polling hours be changed to 7am to 10pm.

¹⁴ Local Elections (Principal Areas) Rules 1986, Schedule 1, paragraph 4.

¹⁵ *Combining English Local Authority, Greater London Authority and European Parliament Elections in 2004: A Consultation Paper* (available to download at http://www.local-regions.odpm.gov.uk/consult/comb_elec/index.htm).

electoral pilot schemes,¹⁶ this does not apply to parliamentary general, devolved or European elections. For these elections, or for non-pilot local elections, any change to allow voting at the weekend would require primary legislation.¹⁷

- 5.5 The Government has suggested that were weekend voting adopted for elections at the national level it would be necessary to ensure 'that it took place on both days in order to accommodate the needs for religious observance or members of the Jewish and Christian communities, or of any other group which might be affected who could not, or would not wish to, vote on a Saturday or a Sunday respectively'.¹⁸
- 5.6 In our report on the 2002 local electoral pilot schemes, we stated that we believed there was a case for considering weekend voting at polling stations instead of the traditional Thursday to test voters' preference.¹⁹ While we have acknowledged that voting spread over two or more days will undoubtedly increase the overall costs of running an election, we hope that any such trials will provide evidence as to whether weekend voting is effective in facilitating turnout.
- 5.7 The Representation of the People Act 1985 provides for a 'freezing' of the parliamentary general election timetable for 14 calendar days following the demise of the Crown, if this occurs between the proclamation summoning a new Parliament and polling day. But there is also separate provision for days of mourning to be disregarded as *dies non* in the Representation of the People Act 1983. We believe that there may be a case for clarifying these provisions in the context of other legislative reform.

Issues for comment

- 5.8 The Commission invites comment on the following issues:
- a. Do you agree that polling hours at all UK elections should be aligned?
 - b. If so, should the standard hours of polling be 7am to 10pm?
 - c. If not, which standard hours of polling would you favour?

¹⁶ For example, at the 2002 local elections the London Borough of Camden made voting available in the weekend before the usual election day.

¹⁷ There is already flexibility over the European Parliament polling day in the European Act 1976. The Secretary of State could institute weekend voting, like most European Union states, if there were minor amendments to the *dies non* provisions.

¹⁸ *Combining English Local Authority, Greater London Authority and European Parliament Elections in 2004: A Consultation Paper* (available to download at http://www.local-regions.odpm.gov.uk/consult/comb_elec/index.htm).

¹⁹ *Modernising elections: A strategic evaluation of the 2002 electoral pilot schemes*, The Electoral Commission, August 2002.

- d. Should provision be made (under new timetable arrangements) to enable polling day to fall on a *dies non*, allowing for the possibility of weekend voting at any election without the need for further legislative change?
- e. Do you believe that there is a case for clarifying provisions with respect to days of mourning?

6. Technical issues

- 6.1 In Chapter 4 we sought views on the principle of election timetable consistency; in particular, on whether there should be consistency in terms of length as well as the deadlines which structure election timetables. One of the key questions related to whether 25 days should form the standard length for all election timetables.
- 6.2 The main purpose of this chapter is to seek views on a range of technical issues relating to the structure of a suggested new timetable for parliamentary general elections and by-elections.
- 6.3 While no decision has been taken as to the overall length of any new timetable, we have, for reasons of clarity, expressed all technical issues on the assumption that such a timetable would be based on the 25-day principle. The chapter also proposes some adjustments to other timetables, such as those applying to local government and European Parliament elections, in order to indicate how these might be brought into alignment with the new timetable proposed for parliamentary general elections and by-elections. Suggested amendments to election timetables for the devolved bodies – the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly – are also outlined and discussed in this chapter.
- 6.4 Having outlined and discussed the technical issues in relation to different election timetables, the chapter then sets out the proposed 25-day timetable in full, and invites comments and views on its structure.
- 6.5 It should be noted that all references to existing and proposed timetable deadlines in this chapter are expressed in ‘working days’ and therefore assume the exclusion of *dies non* (see Chapter 3 for a fuller discussion of *dies non*).

Election timetable calculation and the latest date for publication of notice of election

- 6.6 As noted in Chapter 3, some variations exist with respect to the calculation of election timetables. The principal difference relates to the calculation of the parliamentary general election and by-election timetables, which are computed forwards from the day of the proclamation and/or issue of writ, and all other election timetables, which are calculated backwards from polling day.
- 6.7 The proclamation dissolving Parliament and the issue of writs form an integral part of the parliamentary general election timetable. This stage would need to be retained were any changes made to the current timetable. It would be possible to construct a 25-day parliamentary general election timetable so that the proclamation and issuing of writs remained as Day 0. This in turn would mean that the statutory commencement of the timetable, i.e. the receipt of writ, could be preserved as Day 1.
- 6.8 One way of achieving greater consistency, however, would involve moving the last date for publication of the notice of election from Day 3 of the current parliamentary general election timetable to Day 2 of the proposed 25-day timetable. On this basis, the proclamation/issue of writ, and receipt of writ, could be retained as Days 0 and 1 respectively. The outcome would be consistency in

terms of the timing of the latest date for publication of the notice of election for both parliamentary general and local government elections. Under this option there would no change to the way in which the parliamentary general election timetable was formally calculated. It would continue to be computed forwards from the day of the proclamation and issue of the writ. The local government timetable would continue to be calculated backwards from polling day.

- 6.9 The parliamentary general election timetable would end on Day 27 (polling day), as would the parliamentary by-election timetable. However, as indicated in Table 6, these proposed changes would not bring about complete numerical alignment of these stages of the timetables. While the last day for publication of the notice of election would in practice be identical for both parliamentary general and local elections, the deadlines would be indicated within the timetables as Day 2 and the 25th day before polling respectively.

Table 6: Proposed 25-day parliamentary general election/by-election timetable, calculating forwards from proclamation/issue of writ, compared with current local government timetable

Proceeding	Parliamentary general/ by-election timetable (day before poll)	Local government timetable: day before poll
Proclamation and/or issue of writ	Day 0 (-27)	N/A
Receipt of writ	Day 1 (-26)	N/A
Latest date for publication of notice of election	Day 2 (-25)	-25
Issue of replacement ballot papers for lost or spoilt ballot papers (5pm)	Day 26 (-1)	-1
Polling day	Day 27 (0)	0

- 6.10 An alternative, and arguably more straightforward, basis for organising a new 25-day parliamentary general/by-election timetable would involve giving statutory authority for counting backwards, as is presently the case for all other election timetables. This would create consistency in the method of computation for all UK elections.
- 6.11 As Table 7 shows, under this proposal the latest date for publication of notice of election would be fixed at the 25th day before polling day for parliamentary general election, by-election and local government election timetables. For parliamentary general elections, the proclamation, issue and receipt of writs would continue to fall outside of the statutory timetable, but would be defined as the 26th and 27th days before polling. The parliamentary by-election timetable would be structured similarly, with the issue of writ taking place on the 27th day before polling, and the receipt of writ occurring on the 26th day before polling.