

## **Electoral Administration and Reform White Paper - Summary**

### **Chapter 1: introduction**

In 2017, the Welsh Government (WG) consulted on immediate priorities for reform in the Electoral Reform in Local Government in Wales White Paper. These immediate priorities were legislated for through the Senedd and Elections (Wales) Act 2020 and the Local Government and Elections (Wales) Act 2021. As a consequence of these 2 Acts, a number of changes have been made for devolved elections, including:

- the franchise has been extended to 16 and 17 year olds, and qualifying foreign nationals
- local authorities can decide to adopt the Single Transferrable Vote system for their elections, in place of the First Past the Post system.
- updating the disqualification regime so that local government employees who are not in politically restricted posts can stand for election to their own councils without having to resign first

This White Paper accelerates their reform agenda to start their ambitions plans to modernise electoral administration in Wales.

WG, will use the following six principles to benchmark electoral reform and guide their work to support democratic engagement and participation.

1. Equity; 2. Accessibility; 3. Participation; 4. Improving citizen experience; 5. Simplicity; 6. Integrity

### **Senedd reform**

Alongside the Programme for Government's commitment to electoral reform, WG has agreed to take forward Senedd Reform, as part of its Co-operation Agreement with Plaid Cymru. WG is working to prepare legislation to implement these recommendations. This includes 16 new constituencies for the Senedd, each returning 6 members through the d'Hondt system currently used for Senedd regions and commitments to ensure diversity of membership.

### **Chapter 2: long term vision for devolved Elections**

#### ***Consolidating the law for accessibility and simplicity***

The plan is to consolidate electoral law in Wales for devolved elections. They will consult on and remake a bi-lingual consolidated Conduct Order ahead of the 2026 Senedd Elections. In remaking the Order, it will reflect any changes needed as a consequence of taking forward policy proposals outlined in this consultation paper.

#### ***Enfranchising some prisoners from Wales***

The 2017 White Paper asked for views on whether some prisoners from Wales should be able to vote in local government elections. WG is committed to enfranchising some prisoners from Wales. UK Government is opposed in principle to prisoner voting which makes further progress challenging so they have decided not to include this in their immediate reform programme.

***Electronic remote voting/online absent voting***

They do not plan to legislate for electronic remote voting in the immediate term but recognise the potential benefits that online voting could bring and will continue to consider the potential for such a system as a long-term goal. In the meantime, considering establishing a set of practical criteria that a system would need to meet to be considered for implementation.

***Promoting diversity in democracy***

WG is committed to promoting and supporting diversity in local democracy and has run 2 phases of the Diversity in Democracy Programme, this is in addition to the Local Government (Wales) Measure 2011. WG will continue to support and work actively with partners to increase diversity in local democracy.

***All-Wales database***

An all-Wales database offers potential benefits in terms of data accuracy, identifying duplicate entries across multiple registers, single unique identifier codes and Wales wide look-up functions. They feels these benefits are particularly useful in terms of potential future electoral reform such as vote anywhere schemes and advance voting. The implementation method and the potential additional benefits which could be provided by such a system will need to be considered and will continue to consider the desirability of an all-Wales database and the need to legislate for such a provision.

***Monitoring impact of existing legislation***

They would like to understand views on the implications and effectiveness of recent legislation that affect how elections in Wales are run. The following are of particular interest:

***Coincidence or combinations of elections: dissolution and Calling of Parliament Act 2022***

Elections to the Senedd and local government have always operated differently to elections of Members of Parliament. With the passing of the Dissolution and Calling of Parliament Act 2022, they will continue to press for the avoidance of combined or coinciding reserved and devolved elections.

***Digital imprints: Elections Act 2022***

UK Government provisions introduced in the Elections Act 2022, introduces a new digital imprints regime which requires political campaigners to explicitly show who they are and on behalf of whom they are promoting digital campaigning material. In March 2022, the Senedd granted its consent for the digital imprints provisions to apply to devolved elections. This means that there is consistency in the requirements which apply to digital campaign material used in all elections.

***Online nominations: Local Government and Elections (Wales) Act 2021/2021 Rules***

For the local elections in May 2021, nominations of candidacy could be filed online. This innovation has been discussed extensively with electoral administrators. The Wales Electoral Coordination Board has undertaken a review to identify possible options in this space, and they may need to update legislation to support innovation in this area. (I am a member of a working group).

***Term lengths: Local Government and Elections (Wales) Act 2021***

Principal councils and Town and Community Councils now operate with a term of five years between elections. There remains different views on whether a 4 or 5 year term is preferable for local government members. This includes the balance of voters being empowered to keep their elected representatives in check, and councils' longer term planning capability to make significant changes

locally. A shorter period between elections would also limit the potential for electoral reviews and the time for principal councils to opt for the Single Transferable Vote.

### **Chapter 3: simplifying electoral registration in Wales**

#### ***Restating the franchise***

They feel that the current provisions setting out the franchise for devolved elections in Wales are untidy, which creates complexity for those responsible for interpreting the legislation and those who are responsible for administering elections.

As the UK is no longer a member of the European Union (EU), the legal basis for an automatic grant of voting and candidacy rights to all EU citizens no longer exists. Therefore, they are considering the changes to reflect this. One option is to treat EU citizens in the same way as we treat foreign nationals from other countries, whilst another option may be to align voting rights with immigration status. They may also need to consider the effect of the reciprocal voting and candidacy rights agreements, so they are considering restating the franchise for Welsh elections in one bilingual Act and updating the franchise and candidacy rights for EU citizens now that the UK has left the EU.

#### ***Automatic registration***

They are proposing some changes to the current provisions and making automatic registration of voters mandatory for all Electoral Registration Officers in Wales. This would allow EROs to add anyone to the local government electoral register (which is also used for Senedd elections) using data held by the local authority. They believe this would be of particular benefit to those newly enfranchised 16 and 17 year olds and qualifying foreign citizens in Wales, They also believe this could increase participation in Senedd and local government elections.

They are also proposing to remove the open register for devolved elections in Wales. This would mean that the data of voters on the local government register in Wales could not be sold to some third parties.

They are seeking views on the best way to make the process of automatic registration as easy as possible for the voter and how best to collect and use locally held data to make sure that the local government electoral register remains as accurate as possible and uses the best quality data.

They are also looking to run a series of pilots, that will focus on how best to collect data, how to use existing data most effectively to identify electors and verify their identity and how best to communicate with electors. They are keen to hear from local authorities willing to participate, so they can develop a programme.

#### ***Improving student and young people's registration rates***

They propose allowing students to register to vote during their enrolment week through a data sharing agreement between their university and the student's relevant local authority. They wish to work with local authorities and institutions in the higher education sector in Wales to establish a model in which data sharing agreements, for the register to vote process only, are in place across Wales. Greater data sharing could also support the approach to automatic registration set out above

## **Chapter 4: strengthening electoral administration**

### ***Electoral Management Board***

There is currently no statutory body responsible for coordinating elections for Wales. The WECB is a non-statutory, voluntary body facilitated by the Electoral Commission. They propose to legislate for the establishment of an Electoral Management Board in Wales (“the Board”) which would perform functions independently of government that are currently undertaken by the WECB and develop this over time. (They have a board in Scotland).

### **The Local Democracy and Boundary Commission for Wales (the Commission)**

Following the completion of the ten-year programme of principal council electoral reviews the WLGA and the Commission identified potential improvements to the review process that could better support the aim of effective and convenient local government. They are looking on improving the following –

#### **Principal Council Electoral Reviews**

##### ***Period for making Electoral Review Orders***

They intend to amend the timescale specified in section 9(8) of the 2013 Act so that the Commission could not publish final reports or recommendations relating to the electoral arrangements for principal councils within a specified period (of either twelve or fifteen months) in advance of an ordinary council election. They need to ensure any provision provides Welsh Ministers with sufficient time to consider the Commission’s final reports, including if the Commission were asked to revisit a part of a review.

##### ***Maximum Periods for the Conduct of a Review and the Making of Decisions***

Propose the maximum period for the conduct of an electoral review by the Commission should be 15 months and decisions should be made by Welsh Ministers to either implement the Commission’s recommendations with or without modification, or decisions to make no order should be made within three months of their receiving the final report from the Commission.

##### ***Pausing reviews***

New power to pause a review under certain circumstances, if required.

##### ***The 10 year programme of electoral reviews***

Amend the Act to provide for a common list of mandatory consultees for the 10 year programme, the pre-review process and consultation on the draft proposals for electoral arrangements

##### ***Voter engagement***

Intend to strengthen the requirement for the Commission to demonstrate that it has arrangements in place to ensure the opportunities for voter engagement are maximised.

##### ***Ward names***

Require the Commission to publish ward names in Welsh and English of their reports and documentation. This will enable electors and other stakeholders to more easily and readily consider the approach taken in identifying the recommended ward names.

### ***Considerations for the review of Principal Area Electoral Arrangements***

It is intended to extend the range of considerations the Commission must take into account when formulating its recommendations for electoral arrangements. The Commission will set out and consult upon how it will balance these considerations when setting out its draft and final recommendations, and in its procedure and methodology for electoral reviews.

### ***Requirement for the Commission to set out the data sets used to underpin their review***

In its conduct of electoral reviews, the Commission draws on many data sets and is likely they will draw on even more sets. This information will be set out in its procedure and methodology.

### ***Further consultation on recommendations in the final report***

Further specific consultation with the voters and councillors in the wards where final recommendations introduce proposals for new electoral arrangements, before being able to prepare the final report and submitting it to the Welsh Ministers

### ***Submission of final reports to the Welsh ministers***

To clarify the purpose of the 6 week period and Welsh Ministers will not consider, take any action on review recommendations or make an Order until this period has elapsed.

### ***Implementation following an electoral review***

They propose to introduce a power to direct the Commission to reconsider and consult again on a part of an electoral review where certain situations where the majority of the recommendations have resulted in proposals for more effective and convenient local government but, having considered the criteria and representations submitted during the 6 week representation period, the Welsh Ministers conclude that arrangements concerning a particular ward or collection of wards could be improved.

### ***Publication and distribution of hard copies of reports and other documentation***

Remove the requirement to publish and distribute hard copy reports etc but would be available on request.

### ***Community reviews***

Proposing to introduce legislation which will make it clear that we must undertake a full review of all our towns/communities and their related electoral arrangements once in every 10 year period and this would be linked to the 10 year period that the Commission sets out for its electoral review programme. The Commission will be required to discharge their duties to ensure the principal council can then discharge its duty in relation to completion of a community review in advance of an electoral review being completed.

Also propose introducing legislation to require principal councils to report annually to their full council on their communities and community electoral arrangements, including a summary of any local orders made during the year. As well as sending a copy of this report to the Commission and Welsh Ministers. Would also require us to publish any local orders in a dedicated section of our website and send electronic copies to the Commission and to Welsh Ministers.

**Seaward boundaries**

Propose to enable the arrangements for multiple local government areas and the expansion and contraction of seaward boundaries to be made as part of a single review.

**Matters relating to electoral and other reviews not requiring legislation**

Electoral reviews and other review reports are complex but need to be accessible to a wide range of stakeholders and interested parties not all of whom are professional or technical experts. We will therefore work with the Commission to improve the accessibility of reports and data by using digital opportunities such a mapping portal and best practice in accessible reporting.

**Functions of the Independent Remuneration Panel for Wales**

They propose the dissolve the Panel and transfer its functions to the Commission (Boundary). This would mean one set of commissioners would determine the numbers of councillors across Wales, the electoral arrangements, and the remuneration of councillors.

The functions to be transferred would include the remuneration of elected members of relevant authorities and functions in the event of a voluntary merger between two or more principal councils or other form of restructuring. As part of the transfer, they also intend to remove the function set out in relation to the remuneration of principal council chief executives. This provision was added in response to a specific set of circumstances which are no longer relevant as other mechanisms, such as the requirement to publish pay policy statements, now exist to ensure transparency in relation to the remuneration arrangements for a principal council's most senior employee.

They are also seeking views on whether the functions transferring should be clarified to enable the Commission to consider 'parachute' payments for local elected members as part of the councillors' total remuneration package. Parachute payments are available for members of the UK Parliament and the Senedd when candidates have stood for election but have failed to be re-elected.

The payments are sometimes likened to redundancy payments for employees and are linked to length of time served in the elected office. This recognises these roles are full time and individuals have forgone full time employment or career development to undertake them

**Technical, consequential, transitional and saving provision**

This relates to making any necessary consequential, transitional, or saving provision to support these proposals as required.

**Campaign finance, expenses and political party spending**

The existing regulatory framework governing the spending and funding (political finance) of candidates, political parties and third-party campaigners and other campaigners is contained in various Acts. The UK Elections Act 2022 expanded and strengthened the law about political Finance. As a result, in future there will be a difference in the political finance rules as they apply to reserved and devolved elections in Wales. To avoid voter confusion and administrative complexity, where appropriate, it is proposed to introduce equivalent provisions in respect of devolved elections in Wales.

**Electoral pilots**

May 2022 only 4 authorities (all in South Wales) delivered advance voting pilots. For future pilots they would be interested in a more varied mix of authorities, including in different regions or rural

authorities. They think that this could potentially be achieved through Welsh Ministers having a power to direct authorities to participate in a pilot, or by earlier and varied communications and engagement to encourage take up.

### ***Returning Officers and requirements relating to the Welsh language***

WG is committed to ensuring that the Welsh language is treated no less favourably than the English language when elections are held in Wales. The role of ROs, being varied and depending on the type of election and its legal requirements (including where there are combined polls at devolved and reserved elections), secondly their statutory independence as officeholder, and last their accountability for the elections being administered is complex.

## **Chapter 5: building democratic health**

### **Section A: for voters**

Together with the Electoral Commission we provide information to voters about the electoral register, ways to vote, when an election is taking place and polling details. However, information about candidates and/or political parties to help voters make an informed decision is sometimes unavailable or inaccessible. Wider information about the importance of taking part in an election is even more disparate.

### ***Accessible voter information***

WG originally made provision for the publication of candidate statements in the draft Rules for the 2021 local elections but did not implement this following the concerns raised. They are now considering how provision for candidate statements can be taken forward, including whether centralising and simplifying the provision of voter information should be a statutory responsibility of a body with access to secure funding.

### ***Improving accessibility of electoral process for underrepresented People***

As part of this work will consider information needs in languages other than English and Welsh, and how information can be provided in a convenient, accessible and trusted way; including for voters who cannot or do not wish to access information digitally. Improve the physical barriers some feel they encounter when casting their vote.

Also want to encourage political parties to produce accessible materials. This will include further stakeholder engagement and consideration how an amendment to legislation, similar to that in the Elections Act 2022, could best operate.

### ***Education***

As the Curriculum for Wales is rolled out, WG will work closely with education to develop a coherent and sustainable framework for supporting schools to ensure learners progress in this area of learning. They want to ensure that learners have opportunities to increase their understanding of democracy and the role they must play as citizens in an engaging way that promotes a lifelong habit of participation. They have developed resources to help young people develop as ethical, informed citizens who understand their rights and exercise their democratic responsibilities and ensuring politically neutral materials for teachers to teach this area with confidence.

## **Section B: for candidates**

The safety of people standing to represent their local communities as candidates to the Senedd or local authorities has become an increasing concern over recent years.

### ***Strengthening of the undue influence electoral offence***

The Elections Act 2022 introduced for reserved elections new language to modernise and strengthen one of the classic electoral offences, Undue Influence. Others electoral offences are ‘bribery’ and ‘treating’. All are labelled ‘corrupt practices’ in electoral law and carry an additional electoral sanction. WG intend to do the same.

### ***Other measures we propose to take on candidate safety***

Concern whether electoral candidates, particularly those from under-represented groups, are deterred from seeking election by fear of abuse, including harassment and intimidation. While they are building the evidence base to allow them to take more targeted actions to help reduce instances of abuse of electoral candidates they propose to focus on the following short and long-term actions:

- evidence: collect information from candidates post-election to develop evidence based on the type and frequency of abuse encountered and the personal impact that may have
- communication: what communications could be helpful in reducing abuse in campaigns, this could include in schools, or inclusion in a national communication campaign in advance of major elections
- costs: to ensure fairness in electoral campaigns, candidates may only spend a certain amount on their campaign, commonly referred to as election spending limits. Could introduce legislation to exempt spending on safety-related necessities
- support and advice: better signposting for candidates about personal safety and possibly supplemented with training in advance of major elections.
- campaign pledge: encouraging all candidates to sign up to a campaign pledge, similar to WLGA’s “Fair and Respectful campaign” pledge in advance of the 2022 local elections
- online abuse: the UK Government’s Online Safety Bill is currently being considered in Parliament. This will place duties on certain companies to remove illegal content and to address harmful material in line with their terms and conditions. Will monitor this as it goes through Parliament
- statement of persons nominated: the rules for local and Senedd elections could be amended to require that the SOPN form includes a standard description of the geographical qualifications for standing as a candidate to remove local pressure on candidates to publish their home address

### ***Access to Elected Office Fund***

Plan to legislate that Welsh Ministers maintain an ‘Access to Elected Office Fund’ which is available for all devolved Welsh ordinary and by elections. The purpose of the Fund is to provide support for candidates from underrepresented groups.

### ***Local government candidates’ survey***

Development of this survey with key partners and it may be possible that principal councils could add questions aimed at providing information about local initiatives. They believe this approach provides for consistency across Wales, continuity of the time series of the data set and also enables local flexibility to add questions.

## **Chapter 6: modernising Welsh elections**

### ***Advance voting***

Further work is needed to develop any future policy and supporting administrative structure before a decision could be taken on whether advance voting should be rolled out more widely. They are keen to bring the ballot box closer to people's lives and make voting as easy as possible for voters. To consider whether enabling advance voting and voting at alternative venues, such as colleges, schools, workplaces or places where there are large gatherings of people, would assist in delivering this aim, and whether this should become normal practise in devolved elections.

### ***Reforming postal and proxy voting***

The UK Elections Act 2022, creates divergences issues as they are changes from a 5 to a 3 year renewal cycle for absent vote applications (Parliamentary and PCC election), but for local and Senedd election will still be on a 5 year cycle. This may create confusion and complexity for administrators and voters.

The Act 2022 contains powers to establish an Online Absent Voting Application system for reserved elections. They are in the process of considering both short and long-term options for a similar system for devolved elections.

### ***Postal vote ballot tracking***

Interested in exploring the introduction of a postal vote e-tracking system that would allow for the processing of incoming Postal Vote Statements and provides a mechanism to notify electors of errors so that corrections can be made in time to ensure that their postal votes are counted. They believe that an electronic system such as this would help to reduce the number of postal votes rejected and would have a positive impact on public confidence in the postal voting system by providing electors with live updates on the progress of their postal ballots. Initially this could involve the establishment of a simple delivery notification and error notification system. In the future there is potential for it to provide a broader system for engagement with voters through the inclusion of things such as voter information, candidate statements, elections results and post-election engagement.

### ***Digital registers***

Some local authorities used technology (Digital register) during the pilots in May 2022. This could replace the need for hardcopy of registers and corresponding number lists (CNLs). There is now strong evidence of the benefits of using Digital Registers in terms of convenience for voters, election staff and administrators. Not proposing to mandate the use of Digital Registers for devolved elections in Wales in the short-term, but will continue to facilitate and encourage their uptake.

## **Chapter 7: improving our democracy**

### ***Training for elected members***

The Local Government (Wales) Measure 2011 requires local elections to secure the provision of 'reasonable training and development' for their members'. At present all training and development for councillors is taken forward on a voluntary basis.

If mandatory training were introduced, there would be two aspects to be considered. The first would be the requirement for councils to provide the training including consideration of what levels, type and extent of training would be specified as mandatory. This would need to be considered to ensure councillors across Wales had access to the same quality and extent of mandatory training. Secondly, they believe it would be important for candidates to understand and agree to undertaking the training in advance of being elected. This could be achieved through a declaration at the point of nomination that individuals understand and are willing to undertake mandatory training and reinforced by the oath of office if elected. The latter provides the opportunity for introducing sanctions under the ethical code of conduct if mandatory training is not undertaken without good reason. This would provide the candidate with a clear message they are expected to undertake appropriate training and would avoid individuals being elected and only then discovering they are required to undertake specific training.

### ***Changes to the disqualification regime for Local Councillors from also serving as Members of the Senedd***

Considering whether to make changes to the current disqualification regime for election to the Senedd, in particular:

- disqualifying town and community councillors in Wales from serving as Members of the Senedd, bringing arrangements into line with the disqualification regime for principal council members in Wales
- removing the “grace period” for all councillors elected to the Senedd, and for the Members of the Senedd elected as councillors.

Removing the grace period would mean that if a member of a principal council or town or community council is elected as a Member of the Senedd and takes up that seat, the councillor’s seat will become vacant, and this may trigger a by election at the local level (the outcome will depend on whether the relevant person is a member of a principal council or a town or community council and also when the vacancy arises).

### **Impact assessments**

Published a draft Integrated Impact Assessment (IIA) and Regulatory Impact Assessment (RIA) alongside this White Paper, to provide best estimates for costs, benefits and impacts of the proposals. They will gather more information to bolster these assessments as they develop proposals following this consultation.