

## Agenda – Reform Bill Committee

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Meeting Venue:	For further information contact:
Committee Room 1, Senedd	Helen Finlayson
Meeting date: Wednesday 13 December 2023	Committee Clerk 0300 200 6565
Meeting time: 09.30	<a href="mailto:SeneddReform@senedd.wales">SeneddReform@senedd.wales</a>

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Private pre-meeting (09.00–09.30)

### 1 Introductions, apologies, substitutions, and declarations of interest

(09.30)

### 2 Senedd Cymru (Members and Elections) Bill: Ministerial evidence session

(09.30–11.30)

(Pages 1 – 35)

Mick Antoniw MS, Counsel General and Minister for the Constitution

Will Whiteley, Deputy Director, Senedd Reform, Welsh Government

Anna Hind, Senior Lawyer, Legal Services, Welsh Government

Tom Jackson, Bill Manager, Senedd Cymru (Members and Elections) Bill,  
Welsh Government

#### Supporting document

Research brief

### 3 Papers to Note

(11.30)

#### 3.1 Letter to the Standards Commissioner regarding the Senedd Cymru (Members and Elections) Bill – 24 November 2023

(Pages 36 – 37)



- 3.2 Response from the Standards Commissioner regarding the Senedd Cymru (Members and Elections) Bill – 4 December 2023**  
(Pages 38 – 40)
- 3.3 Response from the First Minister regarding the Senedd Cymru (Members and Elections) Bill – 29 November 2023**  
(Pages 41 – 42)
- 3.4 Response from the Counsel General and Minister for the Constitution regarding the Senedd Cymru (Members and Elections) Bill – 1 December 2023**  
(Pages 43 – 47)
- 3.5 Response from the Llywydd regarding the Senedd Cymru (Members and Elections) Bill – 1 December 2023**  
(Pages 48 – 51)
- 3.6 Letter to the Senedd Commission regarding the Senedd Cymru (Members and Elections) Bill and constituency office provision – 1 December 2023**  
(Page 52)
- 3.7 Additional information provided by the Electoral Commission following the evidence session on 22 November 2023**  
(Pages 53 – 54)
- 4 Motion under Standing Order 17.42 (ix) to resolve to exclude the public for the remainder of the meeting, and from the meeting on 10 January 2024**  
(11.30)
- 5 Senedd Cymru (Members and Elections) Bill: consideration of evidence and discussion of key issues**  
(11.30–12.30) (Pages 55 – 94)
- Supporting documents**
- Paper 1 Key issues
- Paper 2 Additional background briefing

Document is Restricted

Douglas Bain

Standards Commissioner

24 November 2023

Dear Douglas

### Senedd Cymru (Members and Elections) Bill: recall of Members of the Senedd

As you are aware, the Welsh Government formally introduced the Senedd Cymru (Members and Elections) Bill ("the SC(ME) Bill") to the Senedd on 18 September 2023. The Reform Bill Committee's role is to undertake Stage 1 scrutiny of the general principles of the Bill.

We are currently gathering evidence to inform our conclusions and any recommendations we may wish to make. One issue that is emerging from the evidence that we have heard, but which is not addressed in the Bill as introduced, is the question of whether there should be a mechanism by which Members of the Senedd could be recalled by their constituents.

Recall mechanisms are relatively rare in respect of legislatures, although the Recall of MPs Act 2015 introduced a mechanism for the recall of MPs. The 2015 Act provides that if one of three conditions is met, the Speaker of the House of Commons must give notice to the returning officer/petitions officer in the relevant MP's constituency as soon as reasonably practicable. There follows a six week period during which eligible registered voters may sign the recall petition. If at least 10 per cent of eligible registered voters do so, then the MP's seat is vacated, and the normal conventions for filling a vacant seat apply. To date, four recall petitions have been held, and a number of MPs who have met the conditions under which a petition would be held have chosen to resign their seats before a petition could be opened.

An MSP, as part of the development of a potential Member Bill, has consulted on how a recall mechanism could be developed within the Scottish Parliament's Additional Member System. The MSP proposed that an MSP would be subject to recall if they were excluded for 10 sitting days or more as



a result of a breach of the code of conduct, or the Member is fined as a result of court proceedings any amount up to the maximum fine on level 5 of the standard scale.

There are already a number of systems in place in the Senedd through which Members can be:

- **Disqualified**, for example if they meet one of the conditions or are appointed to one of the disqualifying offices in section 16 of, or Schedule 1A to, the Government of Wales Act 2006, or they become a Member of one of the other legislatures in the UK (subject to certain conditions).
- **Sanctioned**, as a result of failing to meet the standards set out in the Code of Conduct. Such sanctions may not include removal from office. They may include censure, exclusion from Senedd proceedings, or the withdrawal of certain rights and privileges. A decision on any such sanction is a matter for the Senedd on the basis of a report from the Standards of Conduct Committee, following that Committee's consideration of a report from the Standards Commissioner on their investigation of an admissible complaint.

If a recall mechanism were to be introduced, it would form part of the range of measures for the accountability of individual Members of the Senedd. Therefore, we would welcome your views, as Standards Commissioner, on the following:

1. Whether you think it would be appropriate for there to be a recall mechanism for Members of the Senedd.
2. If there were to be such a mechanism, do you have a view on what conditions should be required to be met in order to trigger a recall.
3. Any other matter relating to either recall for Members of the Senedd, or the Senedd Cymru (Members and Elections) Bill more generally.

We would welcome a written response by **Thursday 7 December 2023**.

Yours sincerely



David Rees MS  
Chair, Reform Bill Committee

Cc Vikki Howells MS, Chair, Standards of Conduct Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

David Rees MS

Chair, Reform Bill Committee

4 December 2023

Dear Chair,

## **Senedd Cymru (Members and Elections) Bill: recall of Members of the Senedd**

Thank you for your letter of 24 November affording me the opportunity to comment on the possible inclusion in the Bill of a recall mechanism and for the three questions you have posed in relation to it.

Whilst as Commissioner for Standards I welcome any measure that would increase the accountability of Members I am not sighted on what other options the Committee has considered to achieve that end. The main weaknesses in the present Senedd systems for oversight of a Member's conduct would seem to me to be the absence of any way to remove from office a Member –

1. who has been convicted of a serious offence but sentenced to imprisonment for a period of one year or less; or
2. who has simply stopped carrying out the duties of a Member for a prescribed period.

Whilst the introduction of a recall mechanism similar to the one in place in the House of Commons has superficial attraction there would be potential difficulties. Under the Commons process the Member who is the subject of a successful recall petition is able to stand at the forthcoming by-election. Assuming Clause 9 of the Bill is enacted in its present form, there will be no by-elections in Wales. That would mean that 10% of the eligible electorate would be able to remove a Member from office. And where the Member was an independent, it would mean that the electorate would be represented by one fewer Member than previously until the next election which could be several years away.

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We welcome correspondence in both English and Welsh

**STANDARDS CONFIDENTIAL**

Alternative ways of dealing with the first weakness identified might be to amend paragraph 6(1) of Schedule 1A to the Government of Wales Act 2006 Act to provide that a lesser, or perhaps any, sentence of imprisonment would result in automatic disqualification.

Dealing with the second perceived weakness would be more difficult. Although paragraph 7 of the Code of Conduct does not apply "*iii) in relation to the standard of service and outcomes received from a Member*" I am satisfied that a total failure by a Member to carry out the duties of a Member could amount to a breach of Rule 1 of the Code (Duty to uphold the Overarching Principles) and that it could be dealt with in the same way as any other complaint against a Member. If the Standards of Conduct Committee was satisfied that a breach had occurred it would be open to it, under SO 22.10(iii) to recommend to the Senedd a sanction which could include withdrawal of rights and privileges and exclusion for a specified period. There is no prescribed maximum period for these sanctions.

That approach would go some way to deal with the second issue but it would mean that the Member remained in office and the constituents were deprived of at least part of the representation that should be available to them. Whilst it might be possible to amend SO 22 to include a new sanction of removal from office, I suspect that such a change would require primary legislation. The Committee would have to consider the need to guard against the risk of the majority party abusing the process to remove opposition Members. One option could be a provision that a motion to remove could only be carried if at least a prescribed percentage of Members voted for it. There is precedent for such a provision. The Committee will be aware that section 1(7) of the National Assembly for Wales Commissioner for Standards Measure 2009 provides that a resolution to remove the Commissioner from office is passed only if "*the number of votes in favour of the resolution is not less than two thirds of the number of votes cast.*"

### **Whether you think it would be appropriate for there to be a recall mechanism for Members of the Senedd?**

For the reasons set out above, I have serious concerns about the inclusion in the Bill of a recall mechanism similar to the one in Recall of MP's Act 2015.

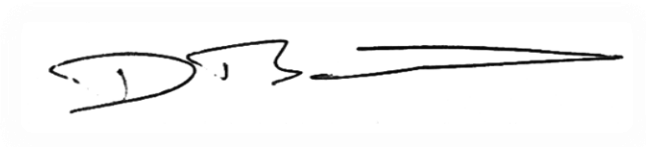
**If there were to be such a mechanism, do you have a view on what conditions should be required to be met in order to trigger a recall?**

I do not favour any recall mechanism. If it is decided to include one in the Bill, it would be possible to set out criteria such as having taken part in proceedings on 'x' occasions during the previous 'Y' months. However, I believe that doing so would be likely to result in an inflexible approach which might well not cover every situation. I believe that a better approach would be to leave it to the Standards of Conduct Committee to recommend to the Senedd, on a case-by-case basis, whether the Member's established misconduct was sufficiently serious to justify a recall petition.

**Any other matter relating to either recall for Members of the Senedd, or the Senedd Cymru (Members and Elections) Bill more generally.**

There is nothing I wish to add.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Bain', with a long horizontal flourish extending to the right.

**Douglas Bain CBE TD**

**Y Comisiynydd Safonau/Standards Commissioner**





Llywodraeth Cymru  
Welsh Government

David Rees MS  
Chair, Reform Bill Committee

29 November 2023

Dear Chair

Thank you for your letter of 22 November regarding scrutiny of the Senedd Cymru (Members and Elections) Bill. I am grateful for the Reform Bill Committee's detailed consideration of this important legislation, as well as the forthcoming Senedd Cymru (Electoral Candidate Lists) Bill.

I have had the opportunity to discuss your letter with the Leader of Plaid Cymru and I am responding on behalf of us both.

In relation to your request to give evidence to the Committee, as you will appreciate this time of year is a particularly busy period and due to existing diary commitments, alongside the additional challenge of seeking to coordinate a slot where both myself and the Leader of Plaid Cymru could attend at short notice to give oral evidence, I am afraid that we are not able to accept your invitation. However, we trust that this written submission provides a response to the areas raised in your letter. You will be aware that we will be appearing before the Scrutiny of the First Minister Committee on 8 December to discuss matters relating to the Co-operation Agreement, of which Senedd reform is a key part.

Turning to the questions you raised:

1. Whether you remain confident that the proposals in the Bill, including the proposed closed list electoral system, will command a supermajority within the Senedd.

We remain confident that the proposals in the Bill, which largely give effect to the recommendations of the Special Purpose Committee on Senedd Reform (SPC), will command a supermajority within the Senedd. As you will be aware, the SPC was by its remit only permitted to make recommendations to the Senedd that carried the support of a supermajority.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

2. Whether you have given any consideration as to whether any alternative proposals could attract a supermajority should the Senedd decide to amend any of the electoral arrangements in the Bill.

Since the SPC published its report, our focus has been on working to ensure the recommendations can be successfully transferred into legislation within 12-18 months of the Committee reporting, as per the Co-operation Agreement commitment in order that Senedd reform can be delivered by 2026. Ensuring that this ambitious timetable is fulfilled remains our overriding priority. The recommendations of the SPC were endorsed by a two-thirds majority of the Senedd on 8 June 2022. This endorsement, and the subsequent response from the Welsh Government to bring forward legislation to that effect, provides the basis for the provisions contained in the Senedd Cymru (Members and Elections) Bill.

We are of course open to the findings of your committee, as well as the other committees involved in the scrutiny of the Bill. The committee will, I am sure, consider as part of its deliberations whether alternative proposals will enable the Bill to be passed by a supermajority.

I must be clear, however, that the Bill represents a carefully calibrated package of measures. Changes to any one element in the Bill cannot be considered in isolation, because individual changes will alter the nature of the proposals taken as a whole.

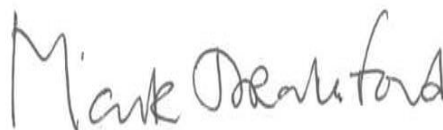
3. We would also be interested in exploring with you the evidence and rationale that led the First Minister and the then leader of Plaid Cymru to reach the conclusions set out in the Joint Position Statement.

As the Counsel General set out in his letter to you of 8 November, the Joint Position Statement took account of the range of evidence gathered over the last twenty years. This included the reports of the Richard Commission, the Expert Panel on Assembly Electoral Reform and the Committee on Senedd Electoral Reform. The Statement also took account of the motions passed by the Welsh Labour and Plaid Cymru Conferences in Spring 2022 and the related democratic processes of the two parties.

We trust that this response is helpful to your committee as it continues its scrutiny of the Bill and look forward to considering your report in due course.

I am also copying this letter to Rhun ap Iorwerth, Leader of Plaid Cymru and to Adam Price, as the former Leader of Plaid Cymru.

Yours sincerely



**MARK DRAKEFORD**

# Agenda Item 3.4

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref CG/PO/413/2023  
Ein cyf/Our ref CG/PO/413/2023

1<sup>st</sup> December 2023

Dear David,

Thank you for your letter of 22 November 2023 regarding the implementation of the Senedd Cymru (Members and Elections) Bill.

In your correspondence you asked if I could provide an overview of the anticipated timeline for the implementation of the electoral reforms in advance of the 2026 election, including timescales associated with the National Assembly for Wales (Representation of the People) Order 2007 (“the Conduct Order”). You also asked if I could provide an indication of the nature and scale of the changes I anticipated the Welsh Government proposing in a consultation on the Conduct Order.

As you are aware, two Bills related to electoral reforms (the Senedd Cymru (Members and Elections) Bill and the Elections and Elected Bodies (Wales) Bill) are currently being scrutinised by the Senedd.

The renamed Democracy and Boundary Commission Cymru (DBCC) will not have the legal function to commence and undertake a review of Senedd boundaries until the provision which confers that function is commenced the day after the Senedd Cymru (Members and Elections) Bill receives Royal Assent. As they have set out in their written evidence to the Reform Bill Committee, it is anticipated that the DBCC will commence its pairing of the 32 UK Parliament constituencies in August 2024. The Bill provides that the Commission’s final report on the pairing of the constituencies will be completed by 1 April 2025. This will then enable the Statutory Instrument to implement the 16 Senedd constituencies to be drafted and made by Welsh Ministers.

In parallel with the DBCC’s work, the Welsh Government will consult on a draft bi-lingual and consolidated Conduct Order. This will reflect our ambition to consolidate the statute book for Wales where we can, to deliver an accessible, bilingual legislative framework. We intend to take steps to consolidate electoral law in Wales for devolved elections, as part of our longer-term goal of modernising electoral law.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

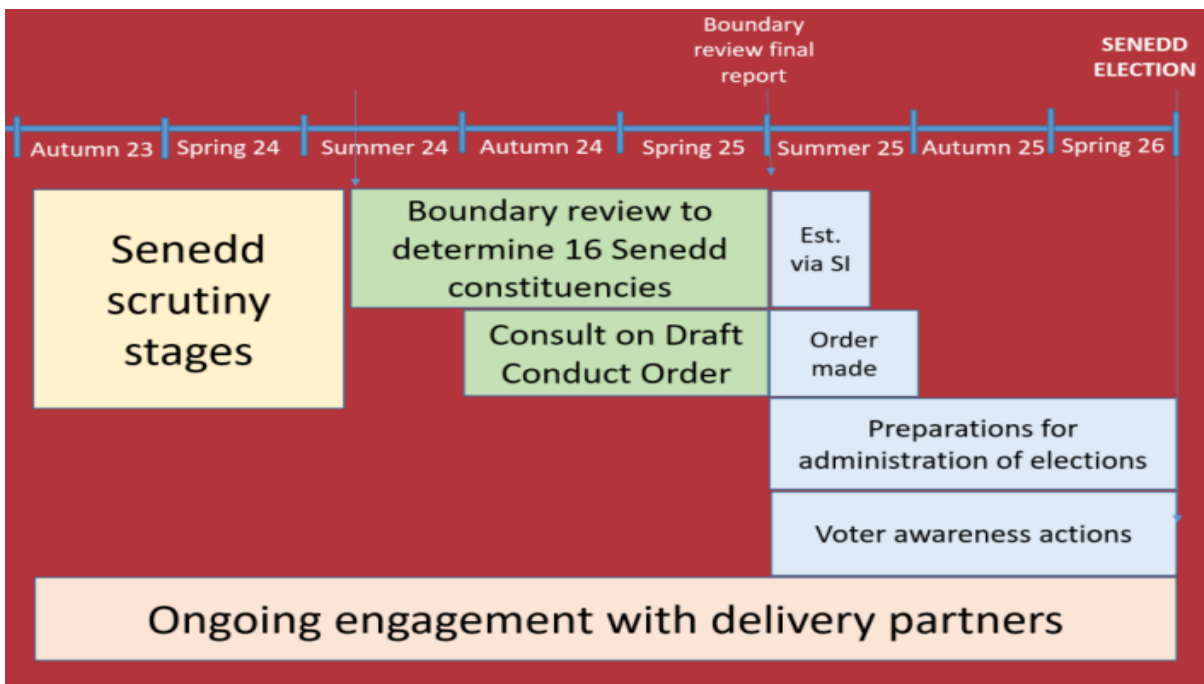
The Conduct Order sets out the detailed rules for conducting elections to Senedd Cymru. It sets out the way in which the election and the election campaign are conducted, including provisions for legal challenge to the election. The Conduct Order has previously been reviewed and amended before each Senedd election.

The Order was originally made, and subsequently amended, by the Secretary of State, before the function of making the Order was transferred to the Welsh Ministers by the Wales Act 2017 (which amended section 13 of the Government of Wales Act 2006). As the original Order was made in 2007, this represents a valuable opportunity for us to consolidate and re-state the law as part of an accessible, bilingual framework for the first time.

In doing so, we will take account of the principles set out in the Legislation (Wales) Act 2019, and seek to produce an Order using modern and clear language which is accessible to the reader. This will include, as you referred to, amendments to ballot paper design, reflecting the move to a single system of election for all Members.

Ahead of the 2026 general election to the Senedd, the Electoral Commission will develop and publish guidance related to the administration of elections, and we will work with delivery partners to facilitate a smooth adoption of the different administrative processes associated with the election. In addition to the usual secondary legislation that precedes a Senedd election, including the Disqualification and Returning Officers' Charges Orders, we will work with partners to facilitate public awareness of the new electoral system.

I have provided a visual depiction of the timescales for these different processes below.



Yours sincerely,

**Mick Antoniw AS/MS**

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad  
Counsel General and Minister for the Constitution



**Y Gwir Anrhydeddus Elin Jones AS**

Llywydd, Senedd Cymru

**Right Honourable Elin Jones MS**

Llywydd, Welsh Parliament

**Senedd Cymru**  
**Agenda Item 3.5**

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David Rees MS

Chair

Reform Bill Committee

01 December 2023

Dear David,

### **Senedd Cymru (Members and Elections) Bill Evidence Session**

Thank you for the opportunity to attend your Committee's meeting on 26 October 2023.

During the course of the meeting, I agreed to provide further information on two points:

- an explanation of the difference between the cost estimates presented in Annex F to the Expert Panel on Assembly Electoral Reform's 2017 report *A Parliament that works for Wales*, and the cost estimates presented in the Explanatory Memorandum accompanying the Senedd Cymru (Members and Elections) Bill; and
- details of the Senedd public appointments that might be affected by the proposed reversion to four-year Senedd terms.

This further information is enclosed with this letter.

Yours sincerely,

The Rt. Hon. Elin Jones MS/AS

Llywydd

## Further information following the Llywydd and Chief Executive and Clerk's appearance before the Reform Bill Committee on 26 October 2023

### The Expert Panel on Assembly Electoral Reform: estimated costs of additional Members

#### Context

The Expert Panel on Assembly Electoral Reform's ("the Expert Panel") report was commissioned in 2016 and the cost estimates contained within it finalised by the then Assembly Commission in the first half of the 2017 autumn term.

The current Llywydd and Clerk and Chief Executive were in post at the time of the Expert Panel report's publication on 12 December 2017, the latter having joined the organisation in April of that year.

The cost estimates were presented in Annex F to the Expert Panel's report and were based on scenarios first developed in 2015 where the Senedd increased in size by 20 or 30 Members.

#### Comparing the cost estimates

The cost estimates included in the Expert Panel's report were prepared on a different basis to the cost estimates prepared for the Regulatory Impact Assessment ("the RIA") that accompanies the Senedd Cymru (Members and Elections) Bill ("the Bill"), and for a different purpose, and are presented differently.

As stated in the Expert Panel's report, the 2017 estimated costs provide "[...] *an indicator of magnitude rather than precise predictions*" based on possible increases in the number of Members, whereas the cost estimates prepared for the RIA represent a best estimate of the costs arising from the specific legislative proposals provided in the Bill and more detailed underlying assumptions.

The costs for the Expert Panel were presented with the same caveats as are attached to the current best estimates i.e.

*Any estimate of the cost of a larger Assembly must be treated with caution. Actual costs will depend on a range of factors, from the political composition of the institution and decisions about committee and Plenary arrangements, to practical decisions on Assembly Commission staffing and priorities.*

*[A Parliament that works for Wales, Annex F, page 233]*

The Commission produced cost estimates for the Expert Panel on the basis of an additional 20 or 30 Members. The underlying assumptions (as set out in Annex F to the report) are different to those which underpin the RIA estimates. The way in which the Senedd operates has changed since 2017, and the approach to adapting the Senedd estate in Cardiff has also changed since 2017.

The accommodation of Members in Tŷ Hywel provides an example of the different assumptions used. The 2017 cost estimates for Members' office accommodation in Cardiff Bay were based on the assumption that space in Tŷ Hywel would be converted to accommodate Members, with Commission staff being relocated to external accommodation to enable this. The £1m - £1.65m

estimated in 2017 for "Tŷ Hywel accommodation" therefore includes rental, fit out and the decant of Commission staff space from Tŷ Hywel. As described by the Llywydd during the evidence session on 26 October 2023, this assumption has changed due to differences in ways of working post-pandemic, with a move to an additional external location no longer necessary due to lower occupancy rates in Tŷ Hywel.

### Senedd public appointments which could be affected by the change in the duration of Senedd terms.

Included below is a list of public appointments made by the Senedd, the Senedd Commission, or His Majesty on the nomination of the Senedd, which the Committee may wish to consider when investigating the impact of a change in the length of Senedd terms.

The change in duration of a Senedd term will not necessarily be problematic in terms of the terms of office of the public appointments listed.

The drivers which determine the length of their term in office in legislation will vary according to the functions of each of these public appointments and will have due regard to the effectiveness. The interaction between the duration of public appointments and parliamentary terms can be a consideration from the perspective of administering appointments and perceptions of independence of statutory officeholders and their ability to act without fear or favour. In addition, two of the category of offices relate specifically to Members of the Senedd, namely the Standards Commissioner and the Independent Remuneration Board.

We have, therefore, drawn this to the Committee's attention as a matter it might wish to consider.

#### **1. Auditor General for Wales**

The post can be held by an individual for a maximum of **eight** years. If the office becomes vacant, a temporary designation may be made in place of the Auditor General. The current Auditor General has been in the post since 21 July 2018.

#### **2. Chair and Non-Executive Members of the Wales Audit Office**

Non-executive members of the Wales Audit Office are appointed by the Senedd, for a term of no more than **four** years and a maximum of two terms total. A Chair is appointed by the Senedd from amongst the non-executive members.

#### **3. Public Services Ombudsman for Wales**

The Public Services Ombudsman for Wales is appointed for a term of **seven** years. His Majesty can appoint an acting Ombudsman if the office becomes vacant for any reason. The current Public Services Ombudsman for Wales took up the post on 1 April 2022.

#### **4. Commissioner for Standards**

The Senedd Standards Commissioner is appointed for a term of **six** years. The current Commissioner was appointed for the term on 1 April 2021.

#### **5. Independent Remuneration Board of the Senedd**

Members of the Independent Remuneration Board ("the Board") are appointed for a fixed term of **five** years, and may serve a maximum of two terms total. The National Assembly for Wales (Remuneration) Measure 2010 requires the Board to make a determination on Members and Office Holder salaries for each Senedd term, and so far as is reasonably practicable, make these determinations before the end of the term of the Senedd which precedes it. The current Board's term began in September 2020. In September 2025, seven months before the election, at least two new members will be required to be appointed to the Board, due to two current members reaching the maximum two term allowance.



Llywydd

Chair, Senedd Commission

1 December 2023

Dear Llywydd

**Senedd Cymru (Members and Elections) Bill: constituency office provision**

During our meeting on Thursday 30 November 2023, we discussed with the Independent Remuneration Board of the Senedd the support that Members in the Seventh Senedd and beyond may require should the Bill become law.

One of the matters we discussed was constituency office provision, including the proposal made by the Public and Commercial Services Union that consideration be given to the establishment of 16 permanent constituency offices—one in each of the new Senedd constituencies—from which Members, support staff and Commission staff could operate.

We understand from the evidence given by the Chair of the Independent Remuneration Board that while some consideration has previously been given to a similar proposal, the Senedd Commission has decided not to pursue it.

We would welcome further information on this point. It would be helpful if you could respond by **Tuesday 12 December 2023**.

Yours sincerely



David Rees MS

Chair, Reform Bill Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.



# Agenda Item 3.7 The Electoral Commission

## Comisiwn Etholiadol

### Further information to support the Reform Bill Committee's scrutiny of the Senedd Cymru (Members and Elections) Bill

*December 2023*

At our evidence session on the Senedd Cymru (Members and Elections) Bill on Wednesday 22 November, we committed to sending some further information on:

- a) how the recall system works at a Westminster level
- b) registering to vote from a second home

This is set out below. We hope it is helpful to the Committee – please let us know if you would like any further information on anything at all.

#### The Westminster recall process

Since the Recall of MPs Act 2015 there have been five recall petitions in the UK, including the one currently underway in Wellingborough. A recall petition takes place if an MP is:

- Convicted of an offence in the UK and receives a custodial sentence (including a suspended sentence) or is ordered to be detained, other than solely under mental health legislation.
- Suspended from the House of Commons for 10 sitting days or 14 calendar days.
- Convicted of providing false or misleading information for allowance claims under the Parliamentary Standards Act 2009.

Voters in the relevant constituency will have six weeks to sign the petition. If at least 10% of voters in the constituency sign the petition, the MP will lose their seat and it will trigger a by-election. The recalled MP can stand as a candidate at the ensuing by-election.

We have produced several reports on the recall petitions that have taken place since the Recall of MPs Act came into force. In our most [recent report](#), covering the 2023 Rutherglen and Hamilton West recall petition, we reiterated our key recommendations for the UK Government going forward. These include:

- Identifying the appropriate length for a reduced petition period of less than six weeks – we continue to find that most people wishing to sign a recall petition do so within the first two weeks of the signing period.
  - Reviewing the scope of who can observe the process in signing places to extend transparency and scrutiny, while ensuring that secrecy is maintained for people signing the petition.
- Pack Page 52

- Consideration of whether eligible electors should be given the chance to complete an equivalent to the signing sheet to indicate that they oppose the petition.
- Setting out more clearly what time signing places should close on the final day of the petition period, the deadline for receipt of postal signing papers, and when and how the Speaker of the House of Commons should be notified of the petition result.
- Keeping the rules for donations and spending by campaigners under review as more experience is gained at future recall petitions, to ensure there is appropriate oversight and regulation of campaigner spending.

We also made some recommendations for Petition Officers and Returning Officers:

- That Returning Officers should continue to keep under review contingency plans for any potential recall petitions in their constituency, including identifying possible locations for signing places.
- That Petition Officers should ensure they offer some extended opening hours for people to sign the petition, beyond the minimum hours of 9am to 5pm.

These are all matters that will need to be considered by the Welsh Government and Senedd if recall provisions are to be included within the Senedd Cymru (Members and Elections) Bill at a later stage.

In addition to the report on the Rutherglen and Hamilton West recall petition, our other reports on previous Westminster recall petitions are available here:

- [The 2019 recall petitions in Peterborough and in Brecon and Radnorshire](#)
- [The 2018 recall petition in North Antrim](#)

### **Registering to vote from a second home – Electoral Commission guidance**

As we set out during the evidence session, applications to register from a second home would be looked at on a case-by-case basis by the relevant Electoral Registration Officer and would depend on the amount of time that is spent at each address. If a person is correctly registered, even at a secondary address, under the Bill's provisions they would not be disqualified from standing at a Senedd election and serving as a Member of the Senedd.

Our guidance for Electoral Registration Officers on this issue is [available here](#). We also [publish general information](#) for voters on registering to vote and second homes. The relevant legislative provisions underpinning this guidance are Sections 4 and 5 of the Representation of the People Act 1983.

# Agenda Item 5

By virtue of paragraph(s) iv of Standing Order 17.42

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