

## **Agenda – Committee on Senedd Electoral Reform**

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Meeting Venue:	For further information contact:
Videoconference via Zoom	Helen Finlayson
Meeting date: Thursday, 16 July 2020	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddReform@senedd.wales">SeneddReform@senedd.wales</a>

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### **Pre-meeting**

(13.30–13.45)

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

(13.45)

#### **2 Consideration of key issues and draft report**

(13.45–15.45)

(Pages 1 – 90)

##### **Attached documents:**

CSER(5)–10–20 Paper 1 – Electoral reform timescales

CSER(5)–10–20 Paper 2 – Electing a more diverse Senedd

CSER(5)–10–20 Paper 3 – Electoral systems and boundaries

#### **3 Forward work programme**

(15.45–15.55)

#### **4 Papers to note**

(15.55–16.00)

##### **4.1 Letter from the First Minister in relation to the draft Senedd Cymru (Representation of the People) (Amendment) Order 2020 – 15 June 2020**

(Page 91)

##### **Attached documents:**

CSER(5)–10–20 Paper to note 1



**4.2 Letter from the First Minister in relation to the draft Senedd Cymru  
(Disqualification) Order 2020 – 22 June 2020**

(Page 92)

**Attached documents:**

CSER(5)–10–20 Paper to note 2

**4.3 Letter from the Chair of the Remuneration Board in response to the  
Committee's request for additional evidence – 22 June 2020**

(Pages 93 – 103)

**Attached documents:**

CSER(5)–10–20 Paper to note 3

**4.4 Written submission from the Association of Electoral Administrators in  
response to the Committee's request for evidence in relation to electoral  
systems and boundaries – July 2020**

(Pages 104 – 114)

**Attached documents:**

CSER(5)–10–20 Paper to note 4

**5 Motion under Standing Order 17.42(ix) to resolve to exclude the  
public from the Committee's next meeting**

(16.00)

Document is Restricted

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

Document is Restricted

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Llywodraeth Cymru  
Welsh Government

Dawn Bowden MS  
Chair of the Committee on Senedd Electoral Reform  
Senedd Cymru

[SeneddReform@senedd.wales](mailto:SeneddReform@senedd.wales)

15 June 2020

Dear Chair

I am pleased to inform you that a consultation document seeking views on the Senedd Cymru (Representation of the People) (Amendment) Order 2020 has been published on the Welsh Government website today.

Ahead of each Senedd election the National Assembly for Wales (Representation of the People) Order 2007, which sets out the manner in which the election and election campaign is conducted and includes provision for legal challenge, is reviewed and amended to take account of any policy or legislative changes since the last election.

The consultation seeks views on the proposed amendments to the National Assembly for Wales (Representation of the People) Order 2007 which largely arise as a result of changes to the franchise and disqualification arrangements made by the Senedd and Elections (Wales) Act 2020 as well as some consequential amendments arising from the naming provisions.

The draft Order also contains more significant amendments which reflect changes made elsewhere in the United Kingdom to allow candidates the option of not publishing their home address at an election, along with the issue of payment to returning officers fees for services rendered, as well as other general updates reflecting changes since the last amending Order was made.

The main purpose of this consultation is to ensure we have identified the relevant issues and the resulting amendments are clear and workable. We are not consulting on the merits of policies which have already been subject to consultation and debate.

The consultation on these proposals will run until 8 September 2020. Details of how to respond are set out in the consultation document.

Best wishes

**MARK DRAKEFORD**

Bae Caerdydd • Cardiff Bay  
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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.



Llywodraeth Cymru  
 Welsh Government

Dawn Bowden MS  
 Chair of the Committee on Senedd Electoral Reform  
 Senedd Cymru

[SeneddReform@senedd.wales](mailto:SeneddReform@senedd.wales)

22 June 2020

Dear Chair

I am pleased to inform you that a consultation document seeking views on the draft Senedd Cymru (Disqualification) Order 2020 has been published on the Welsh Government website today.

Prior to each Senedd general election a new Disqualification Order is made which revokes the previous Order and sets out an updated list of disqualifying offices.

The draft Senedd Cymru (Disqualification) Order 2020 would designate offices the holders of which would be disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd). The proposed offices are described in the Schedule to the draft Order.

Additional disqualifying offices, together with categories of person disqualified from being a Member of the Senedd, are prescribed by the Government of Wales Act 2006. The draft Order should be read with the relevant provisions.

This consultation seeks views on which offices should be included in the draft Senedd Cymru (Disqualification) Order 2020. The consultation on these proposals will run until 1 September 2020. Details of how to respond are set out in the consultation document.

Following consideration of the responses to this consultation the draft Order will be brought forward for the Senedd's approval before formal submission to Her Majesty in Council later this year.

Best wishes

**MARK DRAKEFORD**

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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.

Dawn Bowden MS  
Chair, Committee on Senedd Electoral Reform

22 June 2020

Dear Dawn,

**Re: additional information following Committee hearing**

Thank you for your letter dated 10 March. As noted at the Committee meeting on 20 January, I am more than happy to assist with your work where I can. The information you have sought is outlined under the relevant subheading below.

**Capacity of the Senedd**

In terms of capacity, as you will be aware, the Remuneration Board ("the Board") decides on the level of allowances and resources directly available to Members of the Senedd and political parties to enable them to exercise their functions effectively. The Board's functions, as set out in section 3 of the National Assembly for Wales (Remuneration) Measure 2010 ("the Measure"), are to determine the level of remuneration and system of financial support for Members of the Senedd ("Members") which enables them to fulfil their roles, including those holding additional office responsibilities.

The Board is a public body and its decisions on the support available to Members must comply with the principles of public life of openness, accountability and integrity. In making decisions, the Board has regard to the following principles:

- Financial support and remuneration for Members should support the strategic purpose of the Senedd and facilitate the work of its Members;
- Decisions must be appropriate within the context of Welsh earnings and the wider financial circumstances of Wales;



- The system of financial support for Members must be robust, clear, transparent, sustainable and represent value for money for the taxpayer.

In accordance with these principles, decisions are made on the basis of what is right and appropriate for Wales and the Senedd. However, as a Board we do meet with our counterparts within other UK parliaments to discuss our work including allowances, and we do consider the levels of their different allowances when taking decisions.

Focussing specifically on capacity and the support available to Members to undertake their work, a breakdown of the staffing support for Members in the different UK legislatures is as follows:

<b>Legislature</b>	<b>Financial year 2020-21</b>
Welsh Parliament	£104,835
Northern Ireland Assembly	£50,000 (based on 2016 Determination with annual increases of £500 to account for inflation)
Scottish Parliament	c. £93,930
UK Parliament	£177,550 (or £188,860 for London area)

The support that Members receive in each Parliament is shaped by its history and its constitutional role. The way in which decisions are taken are also different in each legislature. The UK Parliament and the Senedd here have independent panels who take decisions, the Northern Ireland Assembly had an Independent Financial Review Panel as well, while in Scotland the Scottish Parliamentary Corporate Body presents the Reimbursement of Members’ expenses scheme to the Parliament.

In accordance with the Board’s principles, decisions are taken on what is an appropriate level of support for Members within the Welsh context. Wales’ parliament has significantly fewer Members than other parliaments in the UK. The Board’s view is that, in a small legislature of only 60 Members, it is appropriate for the Welsh Parliament to have a greater staffing capacity than in the other devolved legislatures.

In this context, between October 2017 and July 2019 the Board undertook a detailed **review** of the pay and career structure of Members’ support staff. The staffing allowances of individual Members, Political Party Groups and support staff salaries were considered as part of that review. The findings of that review helped inform the preparation of the provisions in the draft Determination for the Sixth Senedd.

The review noted that the staffing allowances of Members of the UK Parliament are considerably higher than the allowances provided for by the Determination. However, average salaries in London are considerably higher than in Wales which will account for at least some of the difference in these allowances. The staffing allowances provided for

Members of the Senedd are higher than those available to Members of the Scottish Parliament and Members of the Northern Ireland Assembly, which may provide a fairer comparison taking into account workload, responsibilities and salary levels.

The review also noted, that in addition to the allowances provided to them specifically for the purpose of paying staff salaries, Members of the Senedd are permitted to transfer up to 25 per cent of their office cost allowance and any underspend in their Policy, Research and Communications Fund to their respective Staffing Expenditure Allowances to spend on staff salaries (as outlined in the viring provisions outlined in Section 6.8 of the Determination). This type of viring provision is not available to elected Members in either Holyrood or Westminster.

Having considered this issue, the Board decided not to make changes to Members' staffing allowances and support staff salaries beyond the annual adjustments provided for by the indexing with gross median earnings in Wales. At the same time, the Board acknowledged that a review of staffing allowances and support staff salaries is likely to be required if the Senedd decides to increase its number of Members.

From engaging with Members, we are also aware of the pressures on Members' time, and the limits of their capacity to absorb more information or manage more staff. It is Members' own time that is particularly pressed, due to the number of committees on which they sit, the length of plenary sessions etc., and the demands of meeting constituents and interest groups. It is hard to identify how the Board could provide for any further support to relieve such pressure on Members' time.

The next Board will no doubt keep the levels of support available to Members under review. The Senedd's powers may change over the next few years, for example as a result of Brexit, the potential devolution of justice etc. This would clearly affect Members' responsibilities, and the level and types of support available to them many need to be changed accordingly, regardless of any potential changes to the number of Members.

#### Approach taken by a future Board

In your letter, you ask for an indication of the approach a future Board may take in developing a Determination to accommodate the needs of a larger Senedd. I am, unfortunately, unable to comment on how a successor Board would approach such a piece of work. However as the current Board has concluded its review of the Determination for the Sixth Senedd, I am able to provide an indication of what this process may look like from our experience.

The Board is clear that its decisions on the remuneration available to Members is based on their responsibilities, which derive from the Senedd's powers, not their workload. The Measure states that the Board must provide Members with a level of remuneration which "fairly reflects the complexity and importance of the functions which they are expected to

discharge". Members' responsibilities have changed as the Senedd's powers have increased over time. This has also led to an increase in the staffing and financial support available to Members over the past decade. It also led to a significant re-evaluation of the level of remuneration appropriate for Members' responsibilities at the start of the Fifth Senedd. This Board has recently published its **Determination for the Sixth Senedd** and has decided to maintain the current salary arrangements.

It is likely that current constitutional developments will affect the Senedd in due course, for example how powers are repatriated following Brexit and the potential for changes to the size of the Senedd as is being considered by the Committee on Senedd Electoral Reform. However the impact of such potential changes on Members' roles and responsibilities are not clear at this time. Such matters would need to be taken into consideration when developing proposals to address the needs of a larger Senedd if there are changes in the devolution settlement by that time.

Before any Board considers how to accommodate the needs of a larger Senedd within the Determination, clarity on the details of any proposed increase in the Senedd's size would be required. For example, the number of additional Members, any changes to the electoral system, and whether job sharing would be permitted. A meaningful assessment of the implications for the Determination would not be possible without clear and robust working assumptions for the Board to proceed with its work.

The Board would then need to undertake a full review of its Determination. It would need to carefully assess changes to Members' roles and responsibilities, and how this would affect the support needed to exercise their functions effectively. The Board would also need to balance meeting the strategic needs of Members of the Senedd with the cost to the taxpayer of a larger Senedd.

It's likely that such a review of the Determination would be more time consuming than the current review of the Determination for the Sixth Senedd. This would be a significant exercise that would take time to plan and complete. There would not be an 'off the shelf' model for the Board to follow in assessing the impacts of changes in size, electoral system and so forth on the Determination.

Assuming the next Board wish to continue with the approach taken by this Board and its predecessor, to publish its Determination one year in advance of the next election, the Determination would need to be published in the spring of 2025. This is to provide clarity for potential candidates standing in the 2026 Assembly election on the package of remuneration and support to be available for Members.

Factoring in all the issues outlined above, and based on previous and the current review of the Determination, my assessment is that it would require two years or more. All consideration and consultation would need to take place well in advance of this to allow for publication. The Board is also duty-bound to consult stakeholders. The Board would need to consult on both proposals for change but also on the final Determination. The standard consultation period undertaken by this Board has been six weeks (not counting recess periods). However, for more complex and substantial matters, the Board also consider longer consultation periods if timescales allow for this. As an illustration, the Board's review of the Determination for the Sixth Senedd took nearly two years. However, this was also preceded by a **review of staffing support** (which was published in July 2019) which in itself took 22 months.

#### View on cost assumptions

Without knowing the full details of the plans to increase the size of the Senedd, I am afraid that the Board is not able to consider whether there are any particular allowances which might be more or less likely to be reformed in the preparation of a Determination for a larger institution.

As already noted in this letter, should proposals for a larger Senedd be agreed, the Board would need to undertake a full review of its Determination. This would include assessing the needs of Members in the context of their roles and responsibilities, and what level of support that would be required for Members to function effectively. The Board would also need consider the cost of this to the taxpayer. At this present time, this information is not known and therefore we are not in a position to comment on any particular allowances.

The funding implications of the Board's provisions vary from year to year and is dependent on a number of variables i.e. usage by individual Members, time in the electoral cycle and so forth. The Board does not hold this type of information and as such I would recommend you contact the Senedd Commission for this.

#### Measures taken to increase capacity

The current Determination and the Determination for the Sixth Senedd is very much based on the current size of the institution. In preparing the Determination, the Board has acknowledged that the current size of the Senedd and the workload faced by Members are problematic. Indeed, many of the provisions in the Determination are aimed at providing additional support for Members to help address the significant pressures on their time as outlined below.

#### *Staffing*

In the Fifth Senedd, Members are able to employ a Senior Advisor as part of their support staff team, if they wish to do so. This is a more senior position within their office. The role is intended to enable Members to have additional strategic capacity. The Board's intention is that the role is used to provide high level research and briefing for Members. The parties also have the flexibility to employ an Additional Group Support role at the same salary level.

Pre-2007, Members were entitled to employ the equivalent of 2.5 full time employees. The increase made in 2007 in the level of staff support for Members, from 2.5 full-time equivalent employees (FTEs) to 3.0 FTEs, was justified by the perceived increase in the responsibilities of the National Assembly as a direct consequence of the Government of Wales Act 2006. The rationale of the enhanced staff numbers implied that the additional staff capacity should be focused on the strategic support needed by Members to deal with legislation, not as a general increase in operational administrative and clerical staff.

Following this, the previous Board maintained the 3.0 FTE principle, but relaxed its rules slightly by allowing Members to appoint any combination of staff grades, as long as it did not go over 111 hours per week (the hourly equivalent to 3.0 FTE).

This Board consulted and engaged with Members and their staff early on in this Board's term. As a result, the Board removed the 3.0 FTE limit (which was referred to as the 111 hours weekly cap during consultation) and allowed Members to move more funding around between office and staffing budgets. This gave Members more flexibility in how they spend their budgets and allowed them to concentrate their resources according to their own priorities. Therefore, if a Member wants to appoint additional staff to help address workload pressures, as long as they have the available funds, then they can do so.

In the Determination for the Sixth Senedd, Members will also be given the decision over the starting salary of new staff, within the established pay bands. This should help Members attract more experienced staff of calibre and to be competitive with other similar jobs in the market, thereby helping to increase capacity.

#### *Policy and research allowance*

During the Fourth Assembly, the Board recognised that a Member may be required to scrutinise certain policy areas or pieces of legislation on which they or their staff do not have experience or expertise. In order to assist with this, the Board introduced the Policy and Research Fund ("PRF") (building on the predecessor "Engagement Fund") which provided funding to Members to be able to bring in external expertise to fund strategic and time limited research, undertaken by external experts. The Fund could be used for research into policy development; exploration of issues of significance to constituents; and scrutiny of policy, legislation or finance.

This provision was expanded again for the Fifth Assembly. It increased the size of the PRF from £2,000 to £2,500 and widened the definition of its use. The new wider definition included the ability to use the funds to support communicating with constituents on matters of public interest. This is the same fund that is currently in existence and is named the Policy, Research and Communications Fund (PRCF).

The examples outlined in this section of the letter demonstrate how the Board's decisions with regards to supporting Members and groups have been influenced by the current size of the institution, and aimed at addressing a shortfall in Members' capacity.

### **Diversity of the Senedd**

As outlined already, in addition to its statutory duties, the Measure sets out other key responsibilities that the Board must seek to achieve when making a Determination. This includes ensuring that any decision made by the Board "does not deter individuals from seeking election to the Senedd on financial grounds." The Board takes this duty seriously and is committed to doing what it can to identify and remove barriers to standing for election, as a means of supporting the aim of achieving diversity within the Senedd.

The Board has commissioned two research projects into barriers and incentives to standing for election to the Senedd. Most recently, in 2018, Cardiff University produced a report for the Board entitled '[Unpacking Diversity: Barriers and incentives to standing for election to the National Assembly for Wales](#)'.

The report's conclusions and recommendations covered three main areas.

Firstly, the report recommended that the Board should engage effectively with a wide range of stakeholders to ensure we understand their needs and views and produce a Determination for the Sixth Senedd one year before the Welsh general election, in order to provide clarity to potential candidates on the package of remuneration and support that will be available. Accordingly, the Board has consulted on various aspects of the Determination for the sixth Senedd, and has now published its Determination for 2021-26.

The report also recommended that the Board should consider a number of measures to further enhance diversity and equality within the Senedd, such as supporting Members with childcare costs, flexible working arrangements, job sharing and an access to politics fund. Some such recommendations have helped shape proposals on changes to the Determination on which the Board has consulted, for example:

- The support available for Members to pay for childcare costs;

- Additional support for Members with disabilities;
- The provision of an allowance for Members on parental leave, to pay for additional support during their leave period;
- An allowance for internships within party groups.

Other proposals such as those relating to job sharing and the establishment of an access to politics fund are not for the Board to take forward. The Board would need to respond to any such development by considering their impact on the Determination.

The Cardiff University research identified that there are structural, political, cultural and institutional factors that may be preventing or discouraging members of certain groups from putting themselves forward for election. This includes political culture generally, which tended to attract men rather than women, and the candidate selection processes of political parties. Such barriers attracted greater focus by participants in the research than barriers within the Senedd itself.

Taking into account changes already made and the changes which will be in place for the Sixth Senedd, the Board has gone as far as it can within its remit to remove the financial barriers and other barriers to standing for election to the institution.

You also asked what barriers would be matters for the Senedd itself to address. Responses to our most recent consultation highlighted several matters which are discussed below.

Some respondents to the Board's consultation on its Determination for the Sixth Senedd emphasised that the barriers to standing for election faced by those with childcaring responsibilities are not necessarily financial. They highlighted the lack of childcare provision in some areas, in particular within the Senedd's vicinity and especially outside of normal working hours. Suggestions included that the Board should work with the Senedd Commission and employers in the Cardiff Bay area to explore the potential to jointly procure flexible and affordable childcare that Members could use. It was also suggested that creche provision should be established in the Senedd. The Board acknowledges claims for childcare costs could be limited by the lack of flexible childcare provision within the vicinity of the Senedd as noted by these respondents, and the Board agreed to write to the Senedd Commission to invite the Commission to consider the evidence received on this issue, as this matter is beyond the remit of the Board.

In the same consultation it was argued that the Remuneration Board should allow for 'locum Members' as cover for Members on parental leave, instead of an additional



member of staff who could not participate in Senedd proceedings, in order to avoid the potential for Members on parental leave having to attend the Senedd in order to vote. The same respondent suggested Members on parental leave should be allowed to vote by proxy.

The Board did not agree with the suggestion that cover should be available for a Member on parental leave in the form of a 'locum Member'. The Government of Wales Act and the Senedd's rules and procedures do not allow for persons other than democratically elected Members of the Senedd to undertake the functions of a Member in formal Senedd proceedings. Any change to this would require a change of law and be a matter for the Senedd itself.

Finally, another respondent argued that in light of the Board's decision that work placements of four weeks or longer should be remunerated, staffing budgets should be increased accordingly, in order to avoid discouraging Members from offering such opportunities due to the consequences on their staffing budgets. However, in accordance with the Board's proposals, those on work placements of four weeks or more must be remunerated, effectively becoming additional members of staff to undertake work on behalf of the employing Member. The Board was not persuaded that Members' staffing allowances should be increased for this purpose.

Further, we are aware of mentoring schemes which are in place to help individuals gain experience of the work of the Senedd. There is value in the running of such schemes, however the undertaking of such opportunities does not fall to the Board.

#### Awareness of proposals

The Board has committed to publishing its revised Determination in sufficient time prior to the next Senedd election so as to provide clarity for potential candidates on the full package of pay and support that will be available to them. This follows the process undertaken by the predecessor Remuneration Board. As discussed already, this Determination has since been published.

As you will be aware, the publication of the previous Board's Determination for the Fifth Senedd drew widespread media coverage. The current Board issued content to the media when it published its Determination for the Sixth Senedd, however given current circumstances related to Covid-19, the publication of the Determination did not receive any attention that we are aware of.



The Board feels it has taken significant steps within its remit to remove barriers and ensure equality of opportunity for those wishing to stand for election. However, it is for political parties in Wales to determine the diversity of candidates available for election and for electors to choose their representatives.

Lessons from elsewhere

As outlined earlier, the Board does meet with its counterparts within other parliaments in the UK to share ideas. The research we commissioned into barriers and incentives also identified diversity measures within other parliaments.

Some of the proposals considered by the Board for the Sixth Senedd reflect practice in other parliaments, such as the provisions made by IPSA for MPs, adapted where necessary to suit the Welsh context. The Board also consulted on additional support in relation to disabilities which may be used to by Members' to help pay any additional costs arising from their engagement with persons with disabilities. This reflects the additional support for the same provided to MSPs.

However, it is not only practice in other parliaments the Board considers. We also take note of measures to achieve diversity within local government and other parts of the public sector. For example, in considering proposals on caring responsibilities, the Board considered practice within local government in Wales.

The Board is also aware of the support provided to members of the Norwegian Storting to return or move on to other areas of employment, as their times as elected members draws to an end. This benefits diversity within that Parliament. Potential candidates from particular economic backgrounds may be more willing to put themselves forward for election knowing that they would be supported to find employment towards the end of their time in parliament.

The Senedd Commission has already put in place some outplacement support for support staff of Members standing down or who are defeated at an election, as well as to a Member who is defeated, following evidence considered by the previous Board. The issue of support for Members losing their seat has been given more public airing in recent years. The Board has written to the Commission to invite them to consider expanding such support to Members who choose to stand down, as well as those individuals referred to earlier.

Should you require any further information on what's outlined in this letter, please do not hesitate to contact me via the Board's secretariat.

Thanks and best wishes,



**Dame Dawn Primarolo**

**Chair of the Independent Remuneration Board**

Croesewir gohebiaeth yn Gymraeg neu yn Saesneg.

We welcome correspondence in Welsh or English.



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## **Response to the Welsh Parliament Committee on Senedd Electoral Reform - request for written evidence**

### **Organisation:**

Association of Electoral Administrators (AEA) – joint response from the National AEA and Wales Branch.

### **Summary of Organisation:**

Founded in 1987, the AEA is the professional and qualifications body representing the interests of electoral administrators in the United Kingdom. It is non-governmental and non-partisan body with just under 2,000 members, the majority of whom are employed by local authorities to provide electoral registration and election services. There are eleven regional branches of the Association covering the United Kingdom, including the Wales Branch.

### **Contact Details:**

#### **National AEA:**

Angela Holden, Policy Manager on behalf of the AEA

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#### **Wales AEA Branch:**

Rhys George, Chair of Wales AEA branch

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## **Call for Written Evidence Questions:**

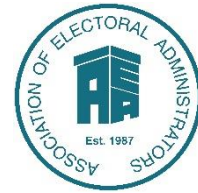
### **Electoral Systems**

#### **Question 1:**

Elections in Wales are currently conducted via a range of different electoral systems, including First Past the Post, Mixed Member Proportional/Additional Member System and the Supplementary Vote. What specific practical and administrative risks or challenges are associated with there being different voting systems for different types of elections in Wales?

#### **Voting Systems and Combined Polls**

Polls with a range of different electoral systems potentially cause both voter and administrator confusion. As an example, the next Senedd elections are due to be held in May 2021 on the same day as the postponed May 2020 Police and Crime Commissioner elections. These elections are run with different franchises and different voting systems increasing the risk of confusion.



# The Association of Electoral Administrators

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For Police and Crime Commissioner elections, if there are more than two candidates, they are elected using the supplementary vote system, where voters can make a first and second choice of candidate. For the Senedd elections, candidates are elected using either the first past the post for constituency seats, or the additional member proportional representation system for regional seats. Combining these different systems in the past has led to voter confusion.

[The Gould Report's](#) clear recommendations include the avoidance of holding different elections on the same day. This is a recommendation we support when different voting systems are involved. The Welsh Government has already taken steps to avoid combined polls, but further thought should be given to whether having such a range of voting systems is in the best interests of the voter. This will be further exacerbated should a council choose to move to the single transferable vote (STV) system.

## **Polling Station Staff**

May 2021 will see franchise changes introduced for Senedd elections, allowing 16-year olds and qualifying foreign citizens to vote. However, these voters will not be eligible to vote at the Police and Crime Commissioner elections. Ensuring these groups understand which polls they can and cannot vote in will be key to minimising disruption in polling stations.

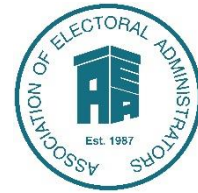
The need for polling station staff to issue different ballot papers to different franchises has previously caused errors. Issuing ballot papers in polling stations where a combined corresponding number list is used becomes complex if an elector refuses to accept a ballot paper they are entitled to or spoils one of the papers. While there are clear instructions for polling station staff on how to deal with these occurrences, it commonly leads to errors being made on ballot paper accounts and subsequent delays during the verification process. The different franchises will compound the complexities of these processes.

We would therefore urge the Welsh Government to ensure sufficient funding for comprehensive training for all polling staff. This training would not only need to cover franchise issues, but also enable them to explain the different voting systems and to follow correct processes where voters do not wish to vote in all polls.

Polling station staff training in some areas has begun to move online. With Covid-19 implications and social distancing compliance, online training would be a benefit for May 2021. However, given the complexity of a combined poll in May 2021, online training may be insufficient. Polling staff may need to be brought in for in-person training to enable them to fully understand the different voting methods and franchise eligibility.

## **Impact on Count**

May 2021 election counts are likely to be lengthy due to both the volume of ballot papers, the combination of different counting methods and the need for regional counts.



# The Association of Electoral Administrators

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Training staff on different counting methods and expecting them to alternate between them is often a challenge. It causes counts to take longer and requires significant engagement with candidates and agents to manage expectations.

The current different voting systems for Senedd elections leads to the need for two ballot papers and prolonged counts. This is a significant administrative issue.

Senedd ballot papers are counted manually, and the complexity prolongs usual count finish times by three or four hours. Using the same staff for approximately seven hours of counting also naturally increases the risk of errors, particularly at regional counts. The Greater London Authority (GLA) holds three elections on the same day with different voting systems, conducting the count electronically at three count centres due to complexity.

The different Senedd voting systems at the 2016 elections resulted in a significant number of rejected ballot papers, potentially caused by voter confusion. For example, 5,509 constituency ballot papers and 6,730 regional ballot papers were rejected. In contrast, at the UK Parliamentary election held in June 2017, 2,776 ballot papers were rejected in Wales.

In addition, different voting systems also cause issues for postal voters. Some electors only return one ballot paper (normally constituency) which leads to delays and issues in the postal vote opening process.

## **Voter Awareness**

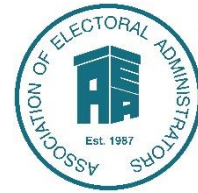
A single poll is easier to administer and less confusing for the voter, but a public awareness campaign will still be required at each poll due to the different voting systems and franchises. Providing electors with direct information to help them cast their vote by post or in the polling station should also be considered.

## **Question 2:**

What specific additional risks or challenges would arise if a new voting system were to be introduced for Senedd elections, and how might they be mitigated? Would the risks or challenges be the same for any new electoral system, or are some systems more challenging to administer than others?

There will always be additional risks and challenges introduced with any change, no matter how small. At present in Wales there is no experience of administering voting using the STV method, which would present challenges.

When explaining any voting system, by far the easiest to explain is First Past the Post - whoever gets the highest number of votes wins. With any other system, due to the complexity of how candidates/parties are returned, it is difficult to explain simply how that system works. This increases the risk of polling station staff giving out wrong information or not being able to clearly explain each system.



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Arguably more difficulty stems from the growing number of postal voters. Voters receiving different ballot papers with different voting systems it could potentially lead to more spoilt votes or unreturned ballot papers.

An effective public awareness campaign would need to be run ahead of any specific electoral change or event.

We would also encourage the Senedd to consider how Returning Officers and their staff will be able to effectively plan for and resource any electoral change, including ensuring sufficient staff resources and funding. Training for all staff including polling station and count staff training would be necessary due to the complexity of administering polls using different voting systems.

The introduction of the STV system for Wales would fundamentally change the administration of the verification and count process. Like other parts of the UK that use STV counts, counts would likely have to be conducted the next day and take much longer. For example, GLA elections in London are co-ordinated by London Elects using ballot paper scanning count technology. This is expensive, but it enables faster counts when compared with Northern Ireland where STV counts are conducted by hand and take days. Scotland also uses e-counting for STV counts, using the Scottish Electoral Management Board (EMB) to oversee procurement. We believe consideration should be given to support Councils that choose to use STV by ensuring they could use e-counts where necessary. This group could then further assist Returning Officers with the coordination of Senedd elections.

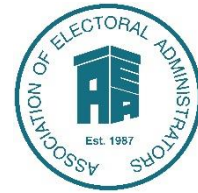
To ensure consistency, we would call on the Senedd to work closely with the Welsh electoral community to implement any new electoral system, ideally using the Wales Electoral Co-ordination Board (WECEB). We have recently delivered online training commissioned by the Welsh Government to electoral administrators in Wales on legislative changes, which the Senedd may wish to consider for their future changes.

We support any measures that, after full and proper evaluation, enhance public confidence in democratic systems, are deliverable and do not add unnecessary bureaucracy, cost, and risk into the process. We would urge the Senedd to consider these factors when making its final decision on electoral change.

## **Electoral boundaries**

### **Question 3:**

Elections in Wales are currently conducted on the basis of a range of different boundaries, including Westminster constituencies, Senedd constituencies and regions, local authority areas and Police and Crime Commissioner areas. What are the specific practical and administrative risks or challenges associated with there being different electoral boundaries for different elections in Wales?



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Coordinating across local authority boundaries in UK parliamentary constituencies, Senedd constituencies and regions, and Police and Crime Commissioner areas greatly adds to the complexity of administering elections.

The specific practical and administrative risks or challenges associated with different electoral boundaries for different elections in Wales include registration and postal vote transfer, software compatibility, timeliness and quality of data, and administrative arrangements to conduct a poll where Electoral Registration Officers and Returning Officers work for different councils.

There are wide variations in practice for cross boundary elections and issues relating to ballot paper supply, postal vote issue and opening as well as the issue and receipt of ballot boxes. All these issues have been reported at previous cross boundary elections.

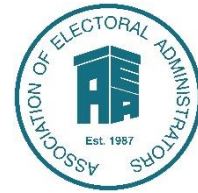
The confusion experienced by electors in UK Parliamentary and Senedd constituency cross-boundary areas are more significant when combined with local polls. Combined polls increase the risk of confusion for electors about which local authority to contact if they have a query, and with processes not being run simultaneously. An example of this is UK Parliamentary or Senedd postal vote packs being sent out at different times to local postal votes. 2021 will be a good example of the complexity faced by administrators and voters when the Police and Crime Commission elections are combined with Senedd elections.

Cross boundary administration is always difficult, particularly when it comes to the re-issue of postal votes. In the UK Parliamentary Election in December 2019, one local authority had electors living within seven miles of their office having to make a 60-mile round trip for a postal vote to be reissued as the constituency was administered by a neighbouring council.

The issue and complexity of non-coterminous boundaries is highlighted by Merthyr Tydfil. The area is part of the South Wales Police Area (comprising of South Wales West, South Wales Central Senedd regions and Merthyr), leading to them having a different Police Area Returning Officer (PARO) to every other council in the Senedd South Wales East region. This is further complicated as Merthyr Tydfil takes in part of Rhymney Valley from Caerphilly for Senedd elections. When elections are combined, this has led to Merthyr Tydfil also having to administer part of the election for the Gwent Police area and report to the Gwent PARO. This places numerous administrative risks on Merthyr Tydfil and requires consistency in approach from the South Wales and Gwent PARO on matters such as the timing of each count. There are four Police Area regions and five Senedd regions, so boundaries cannot be coterminous.

The current Senedd regions are based on European Parliamentary constituencies from 1994, when ideally, they should be coterminous with UK Parliamentary constituency boundaries. There is no current mechanism for reviewing Senedd boundaries as there is for Westminster and local government. It will be problematic if UK Parliamentary boundaries change leading to different boundaries between the UK Parliament and Senedd. This would increase the risk





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of voter and administrator confusion, potential cross boundaries problems and the overall delivery of the polls.

While the UK Parliamentary boundary review is due to revert back to 650 constituencies, we remain extremely concerned about the impact of any cross boundary proposals following the review, and the likely increase in complexity across the UK at the next scheduled UK Parliamentary General election.

## Question 4:

**What specific additional risks or challenges would arise if new boundaries or boundary review arrangements were to be introduced for Senedd elections?**

There have been several boundary reviews in recent years. The UK Parliamentary review proposals have been abandoned, with a new review commencing. Administrators and local council members are on occasion confused about the different boundaries and, in many ways, it would make sense for any Senedd boundary review to run alongside the UK Parliamentary review. Senedd boundaries have to date (with a few anomalies) mirrored UK Parliamentary Constituencies and are clear and well understood.

The type and style of boundaries which could be introduced would also depend on the type of voting system that is implemented. Any change though, would increase the risk of confusion for the electorate and increase administrative complexity for practitioners running elections.

Introducing any kind of boundary review mechanism needs careful thought through and would be an additional burden to electoral administrators. As there is no current requirement to review Senedd boundaries, involvement in another boundary review process would be another constraint on council and administrator resources and time.

If Senedd boundaries were reviewed, there would need to be sufficient lead in time for electoral administrators to implement changes ahead of the elections in which they took effect.

The new approach being taken by the UK Parliament leaves any final decision on constituency boundary arrangements to the Boundary Commission, as opposed to the final discretion of the relevant Welsh Minister. This would potentially speed up the implementation of any boundary changes and could potentially be a favourable approach for Senedd boundaries.

If the decision is made to review boundaries, we would urge giving consideration to following local authority boundaries wherever possible. Minimising the number of electoral areas that cross local authorities is preferable for the reasons outlined in question three.



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## Question 5:

If the Senedd constituency and regional boundaries were to remain as they are, but changes to Westminster constituencies as a result of the UK Government's Parliamentary Constituencies Bill 2019-21 brought the current alignment to an end from 2023, what specific practical and administrative risks or challenges would electoral administrators face?

As outlined in question three, the specific practical and administrative risks or challenges associated with different electoral boundaries for different elections, all of which have been reported at previous cross boundary elections include:

- registration and postal vote data transfer
- software compatibility,
- timeliness and quality of data
- administrative arrangements to conduct the poll, including:
  - ballot paper supply
  - postal vote issue and opening
  - issue and receipt of ballot boxes.

Significant risks and challenges would be created if a short notice UK Parliamentary election, Senedd election or by-election fell close together in any one year. It would also cause issues if the UK Parliamentary election was ever combined with Senedd elections.

In addition, the increased risk of confusion experienced by electors in cross-boundary areas are more significant when polls are combined. This would also be heightened due to franchise changes.

## Implementation, timescale and financial implications

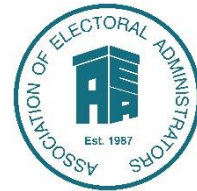
### Question 6:

If legislation were passed which specified a new voting system or boundaries for Senedd elections, what would be the key activities that electoral administrators would need to undertake to deliver a successful election? It would be helpful if you could also provide estimates of the associated timescales and financial implications.

There would need to be sufficient lead in time from when legislation was passed. The Gould principle suggests at least 6 months before polling day as a minimum. However, considering the proposed changes of a new voting system and boundaries for Senedd elections, we believe there would need to be a significantly longer lead in time.

Substantial boundary changes would require a polling district and polling station review to be carried out, involving various consultation stages and sufficient council staff resources.

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Boundary changes would also require modifications to electoral management software systems and, depending on the timing of the legislation, the re-publication of electoral registers. All of which has resource implications for councils and administrators.

Subject to the complexity of the voting process and combined polls, the conduct of counts may need to be considered. For example, GLA elections are conducted at three regional count centres using electronic counting. The lead in time planning for an electronic count and venues take a significant amount of time. London councils plan and review processes and arrange count venue bookings for each GLA election four years in advance.

As outlined in question two, we would encourage the Senedd to consider how Returning Officers and their staff will be able to effectively plan for and resource any electoral change, including ensuring sufficient staff resources and funding.

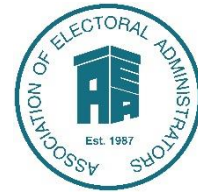
Training for all staff would be needed, for example polling station staff training due to the complexity of administering polls using different voting systems. Core electoral staff would require training for any new voting system, particularly if introducing something like the STV system which has not been used in Wales before. An effective public awareness campaign would also be needed ahead of any new voting system's introduction or specific electoral event.

Recent years have seen electoral services staff resources shrink. With the number of combined polls now scheduled in coming years, a clear timetable of which changes are planned in relation to boundary and voting system changes would be useful. Such a timetable would allow electoral teams and local authorities to incorporate workload, outcomes and risk into their Business Plans and bids for staff resources. This would also keep Electoral Registration and Returning Officers abreast of what the next five years will look like.

Financial costs should be available from the 2016 elections. Although these were shared with Police and Crime Commissioner elections and are therefore not the full costs, they may assist with some calculations.

Changes to electoral voting systems will inevitably result in increased costs both in the short and longer term. As such, we would seek a formal commitment and guarantee from the Senedd to fully fund any new burden/initiative resulting from legislative reforms. In addition, it would not be for us to provide any specific financial information, that would need to be for the Senedd to properly assess and cost based on the administrative proposals it wished to bring forward.

To ensure consistency, we would call on the Senedd to work closely with the electoral community in Wales and relevant stakeholders in implementing any new electoral system, ideally using WECB. In addition, we would encourage the Senedd to learn lessons in approaches developed in other parts of the UK, considering the benefits and advancements in the use of election technology when properly funded and supported by the relevant democratic body. Members



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of the Committee may wish to observe the GLA elections and electronic count in May 2021.

## Public understanding and education

### Question 7:

What would be the role of the AEA and of electoral administrators in Wales in the design and delivery of public information and awareness-raising campaigns associated with any new voting system or boundaries? It would be helpful if you could also provide estimates of the associated timescales and financial implications.

Public information and awareness raising campaigns should be an all Wales national campaign to ensure consistency. They should be led and fully funded by the Senedd. Electoral administrators would use the Senedd campaign as a platform for cascading information to local groups.

The Electoral Commission generally provides a public awareness campaign before any national poll. They also provide complementary resources for electoral administrators and councils to use, including press release templates, poster templates and social media graphics and posts. As part of any election project planning, electoral administrators also have a suitable media plan and work closely with their local authority media and communications staff.

We would also be happy to support the Senedd in sharing any publicity and information with our members. However, as a private company that receives no government funding, any part played by us would either be in line with our commitment to support our members in Wales or funded where we offer a paid for service.

## Wider context

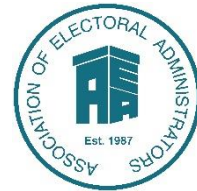
### Question 8:

What lessons could be learned from other electoral reforms? For example, the introduction in 2012 of the Supplementary Vote for Police and Crime Commissioner elections in Wales, the introduction in 2007 of the Single Transferable Vote for local elections in Scotland, the Senedd and Elections (Wales) Act 2020, or the development of proposals for the use of STV for local elections in Wales.

The Electoral Commission publish detailed reports following each national poll. It would be worth reviewing the reports for the polls outlined above to identify lessons learned from these electoral reforms. In addition, we publish a detailed post-election report after each national poll available [on our website](#).

Any proportional representation is likely to attract more minority parties to stand. This would lead to longer ballot papers and administrative workloads could increase with the number of candidates and election agents, as well as increasing election costs.

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## Question 9:

Do electoral administrators in Wales have sufficient capacity to contribute to the development and implementation of any reform to the Senedd's electoral arrangements? To what extent has capacity been affected by the need to respond to the COVID-19 pandemic?

Electoral administrators have been stretched to their limits in recent years with a number of unscheduled national polls, limited resources and the introduction of canvass reform. Electoral team capacity is currently stable but remains fragile due to the challenges of canvass reform and the Welsh franchise change. There is also the considerable risk of having to run 2021 elections under socially distanced conditions and the potential for additional waves of COVID-19 and associated local lockdowns.

Legislation is currently being laid in the UK Parliament and by the Welsh Government to extend the publication deadline for the register of electors from 1 December 2020 to 1 February 2021 to allow more time to conduct canvass reform. However, for those publishing at the later date this could impact on election planning for May 2021 polls which are combined and already complex, not to mention any possible COVID-19 implications and by-elections being run from February 2021.

As a result, careful consideration will have to be given by the Senedd and sufficient time allowed for the development and implementation of any reform to electoral arrangements. Electoral administrators will do what they can to engage and offer guidance and advice in relation to any future Senedd electoral reform proposals.

There are also significant challenges on the horizon with plans for voter ID, reform to overseas elector arrangements and the UK Parliamentary boundary review.

As highlighted in question six, local authority electoral teams have shrunk in recent years, and there are a number of experienced electoral administrators in Wales due to retire in the next five years. It is therefore essential that investment and training is made available to ensure sufficiently experienced and knowledgeable staff are available and prepared for the changes ahead.

We would recommend conducting a short survey to assess the current and future capacity of electoral administrators in Wales. A similar approach was recently taken by the Cabinet Office in relation to implementing canvass reform during COVID-19, and it may be worth contacting them to share experiences and approaches in implementing a national project.

We would welcome the opportunity to work closely with the Welsh Government and other key stakeholders in the development and implementation of any reform to the Senedd's electoral arrangements.

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**Angela Holden**  
**Policy Manager on behalf of the AEA**

**Rhys George**  
**Chair of Wales AEA branch**

**6 July 2020**