



Mick Antoniw MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru

17 November 2020

Dear Chair

I am writing in response to your letter of 12 November about the 2021 Senedd election and the report of the Elections Planning Group.

I am pleased that you welcome the intent behind establishing the Group. And I share your view that it is not appropriate that media outlets were made aware of aspects of the Group's work. This happened without the agreement of the Welsh Government.

I do not agree that there has been a lack of transparency. I made the Senedd aware that the Group had been established, I published their Report to me and I arranged a Plenary debate on the report. This approach is entirely in line with long established practices of drawing the Welsh Government's work to the attention of the Senedd at the appropriate milestones whilst protecting private discussion and consideration in between.

The Terms of Reference for the Group are enclosed. They outline that the basis on which the Group was to operate was that materials were not intended to be made public. On this basis I think the report which has been published provides an appropriate summary of the Group's work.

In relation to elections legislation, the Senedd has already passed the Disqualification Order which is a part of the enabling legislation for the election. We plan to lay amendments to the Conduct Order later this month. We are also preparing a draft Bill that would allow postponement of the Senedd election if it becomes necessary due to Coronavirus. The Scottish Government has introduced a Bill of a similar kind. We are planning on the basis that a Welsh Government Bill could be ready to submit to the Llywydd by early January if required.

You mention two specific points in your letter. In relation to the first point on safe polling stations and counts, at the moment we consider that the existing powers would be sufficient but we are keeping this under review with stakeholders and are prepared to make further changes to the legislation if it becomes necessary.

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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.

On the second point, should we decide to proceed with seeking to introduce a new power for the Llywydd to be able to vary the date of the election by more than currently provided for in the Government of Wales Act 2006, we would look to consider whether any safeguards – such as vote in the Senedd - would be appropriate in respect of its use. I will say more in respect of this power in the debate.

The debate will provide the opportunity for Members to put forward their views which Ministers will then consider further in advancing work in this area. I look forward to Members' contributions and to further engagement with the Committee as this work progresses.

Best wishes

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

**MARK DRAKEFORD**

# Welsh Government Elections Planning Group

## Terms of Reference

### Context

The next Senedd elections are due to be held on 6 May 2021.

Due to the restrictions imposed as a result of the Coronavirus outbreak, Local Government elections for England and those for Police and Crime Commissioners (PCC) in England and Wales have been delayed from 7 May 2020 and are now also scheduled to take place on 6 May 2021.

The First Minister has asked for advice on the practical arrangements that may be necessary in the event that pandemic restrictions such as physical distancing are still required in 2021. In doing so, the Welsh Government wants to hear the views of those who would be participating in election campaigns and those involved in the administration of the elections in order that decisions are taken with the knowledge of the implications for the people most directly affected. The Elections Planning Group has been convened to facilitate this, complementing the work of existing groups.

The overall aim is to maximise democratic participation whilst also protecting public health. This includes ensuring that, in safety and with confidence:

- candidates and campaigners can make their case;
- voters can participate;
- administrators can run the poll; and
- the public can trust the result.

The conduct of elections is prescribed in detail in primary and secondary legislation. If any adaptations or different arrangements are required, they may need to be effected via Senedd legislation, which would need to be brought forward in a timely fashion. The practical arrangements would also need significant planning time.

Primary legislation may be needed to ensure the election can meet public health requirements even if it takes place on 6 May.

Therefore we are hoping, through the Group, to gather views over the Summer so that by September, any changes the Group feels would be beneficial can be considered and taken forward. Meanwhile, the Welsh Government is proceeding with the enabling legislation on the conduct of the election and the disqualification rules to ensure that these are in place well ahead of May, and will consult on these over the Summer.

### Frequency of meetings

Meetings will take place on a monthly basis. Where members are unable to attend they are welcome to nominate a deputy.

### Communications

It is not intended that these meetings will be held publicly or that materials from them will be made public. A summary of the key points from the meeting will be shared with Group members but are not for sharing beyond the Group.