

Rt Hon Mark Drakeford MS  
First Minister of Wales

12 November 2020

Dear Mark

### **2021 Senedd election and the Report of the Elections Planning Group**

We have recently been giving consideration to the impact of the Covid-19 pandemic on the Senedd election scheduled for 6 May 2021, given our responsibilities for the scrutiny of subordinate legislation and our wider legislative remit in relation to Bills.

We acknowledge that it is the Welsh Government's view that the Senedd election should go ahead on that date. However, like the Welsh Government, we also accept that it is not possible to predict the precise public health situation that we all may face next May.

At our meeting on 9 November 2020 we discussed the **Report of the Elections Planning Group**, the publication of which was announced to Senedd Members in your **written statement** dated Friday 6 November.

While we recognise and welcome the intent behind the establishment of the Group – “to consider the potential impact of Coronavirus measures on the administration of the election and in particular any implications in relation to the underpinning legislative provision” – we are concerned at the lack of transparency surrounding this work.

You **announced** that the Group had been established on 15 June 2020 and yet the terms of reference have not been made publicly available. Further, we do not consider it appropriate that media outlets in Wales have become aware of key aspects of the Group's composition, work programme and conclusions before the Senedd.

While we accept that the Group's report has now been published, we believe full terms of reference and detailed minutes of each of the five meetings that were held should be made publicly available as soon as possible.



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With regards to future subordinate legislation that may be needed that relates to arrangements for the next Senedd election, we have a vested interest in having as much notice as possible of when such legislation may be laid before the Senedd. We will also wish to pay close attention to any primary legislation that may need to be brought forward.

We are aware of your intention to provide a statement in Plenary next week (Tuesday 17 November) that will outline the Welsh Government's next steps following the publication of the Group's report. In that statement, we would be grateful if you would provide as much detail as possible regarding the need for, and timings of, future relevant primary and secondary legislation that is being considered, in addition to addressing two other matters which I outline below.

In relation to the safe operation of polling stations and count venues, we note that consensus was reached and that the Group agreed in broad terms that "the existing powers **should** be sufficient to put arrangements in place on a local basis and would not require legislative change" (*emphasis added*). We would be grateful if you would confirm whether the existing powers are sufficient and that legislative change is not required to ensure the safe operation of polling stations and count venues.

On the matter of a possible extension to the Llywydd's power to vary the date of the next Senedd election by one month (under section 4(1) of the *Government of Wales Act 2006*), we acknowledge that consensus was not reached on this issue and that a majority of political parties would only consider this option as "a contingency measure in extremis". We note that the Llywydd has full discretion in determining the circumstances that would make the use of the power in the 2006 Act appropriate. In our view, any alternative to the exercise of this existing power that would change the date of the next Senedd election as a result of the pandemic should be made by the Senedd.

In addition to you addressing these points during the Plenary debate on 17 November, we would greatly appreciate a full response to this letter at your earliest opportunity.

I am copying this letter to the Llywydd, Elin Jones MS.

Yours sincerely,



**Mick Antoniw MS**

Chair of the Legislation, Justice and Constitution Committee

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

