



Senedd Cymru (Members and Elections) Bill
Written Evidence of the Wales Electoral Coordination Board
(WECB)

Submitted by Colin Everett, Chair, WECB

The Wales Electoral Coordination Board (WECB)

The Wales Electoral Coordination Board (WECB) has been in existence since 2017. Whilst currently operating under a voluntary arrangement, with no statutory basis or formal powers and, until very recently, with no national grant funding, the WECB is recognised by the professional elections network, national partners and both governments.

The WECB:-

- coordinates the planning of, and de-risks, all electoral events in Wales – both non-reserved and reserved elections;
- advises on the planning, drafting and implementation of electoral reform policy, legislation and test/pilot innovation,
- maintains and supports a resilient network of returning officers and electoral administrators; and
- Promotes good, innovative and consistent practice.

The WECB has been highly effective in fulfilling these roles, and in meeting its objectives over the past six years through a combination of good leadership, partnership working and networking, and consensus. Wales has a national reputation and proven track record for high performance in elections and electoral registration management. This is borne out by independent evaluations of our performance e.g. reports of the Electoral Commission on the management of major elections, and in the consistent achievement of the national performance standards set for Returning Officers.

(Of note, it is proposed that the WECB is transitioned to a new statutory Elections Management Board (EMB) in the parallel Elections and Elected Bodies (Wales) Bill.)

The Board will be appearing before the Reform Bill Committee on 15th November to give oral evidence.

The role of the WECB in giving evidence

Under the provisions of its terms of reference the Board has a limited role in giving written and oral evidence on draft legislation at this scrutiny stage.

We can provide expert advice on (1) the practicality of implementing the provisions of draft legislation once published (2) the risks which will need to be managed to ensure that any electoral reform, ongoing electoral registration, and the electoral events themselves can be administered efficiently and safely, with integrity, and with the trust and confidence of the electorate and all stakeholders and (3) the resource requirements for returning officers and elections services teams within local authorities and their national partners.

The Board contributes to the development and drafting of legislation in the background - from conception to publication – through close liaison with civil servants and alongside national partners. This has been the case with this particular Bill and we compliment the lead officials, and their teams, for working so inclusively to help ensure that the specific provisions of the Bill are capable of implementation both legally and practicably.

It is not a role of the Board to comment on the efficacy of proposals from Welsh Government, for example, for the size or constitutional governance and operation of the Senedd.

Therefore, our written evidence is given on selected parts of the Bill only.

Our evidence should be read in conjunction with any written evidence submitted by the Electoral Commission, the Association of Electoral Administrators (AEA), the Welsh Local Government Association (WLGGA) and the Society of Local Authority Chief Executives (SOLACE) as our national partners, all of whom are members of or advisors to the WECB. There will be a high level of consistency, and complementarity, within and across our collective evidence.

Written Evidence on the Bill

Principles

The WECB advocates the following principles in advising on electoral reform:-

- That any legislation should be passed in sufficient time for advance and safe planning, and no later than six months before the next applicable electoral event according to the Gould principle;
- That legislation should be conceived, drafted and tested in close partnership with stakeholders and specifically with those who will be responsible for its implementation both legally and practicably;
- That any electoral reform initiated by Governments should be fully funded by the respective Government;
- That where there are identified risks for implementing new legislation then the responsibility for those risks should be shared and not simply transferred to those who have to implement them in practice e.g. Returning Officers; and
- That, wherever possible, divergence in electoral law and practice for reserved (to the UK Parliament) and non-reserved (to the Senedd) elections should be minimised to avoid the risks of voter confusion and/or administrative error by electoral administrators and political parties alike.

The Closed Proportional List

The provisions of the Bill for a Closed Proportional List as set out in paragraph 110 onwards of the Explanatory Memorandum are workable and capable of safe and efficient implementation by electoral administrators and political parties. There is some voter familiarity with the system from the current regional list arrangements for Senedd Elections.

There will need to be significant and ongoing investment in public information by Welsh Government and its national partners as there is likely to be some voter confusion, or challenge, as to why voters cannot vote for an individual candidate as opposed to a political party with a group of candidates (noting that all of those candidates will indeed be named on official elections posters and on ballot papers).

All political parties will need to be organised to field their nominations papers in good time and in full compliance.

It should not be overlooked that an independent candidate, not attached to any recognised political party, may choose to stand for election. Whilst they would still complete a closed proportionate list in theory they would in effect, if standing alone, be presenting themselves as an individual candidate.

(Whilst this Bill makes no provision for gender quotas for candidates, and a separate and later Bill is expected based on Ministerial statements, the arrangements for listings and nominations will need to remain practical, workable in the elections cycle timeframes, and comprehensible should the provisions for candidate nomination be expanded beyond the specific provisions of this particular Bill.)

The D'Hondt System

The provisions of the Bill for the use of the D'Hondt system for the allocation of seats to candidates from the closed proportional lists as set out in paragraph 125 onwards of the Explanatory Memorandum are workable and capable of safe and efficient implementation by electoral administrators.

The D'Hondt system is very familiar to both electoral administrators and political parties from its established use for the allocation of seats to candidates for the current regional seats for Senedd. It is a reliable and credible system, and the WEGB supports its continued use over alternative systems.

List Design

The provisions of the Bill for list design as set out in paragraph 130 onwards of the Explanatory Memorandum are workable and capable of safe and efficient implementation by electoral administrators and political parties.

Vacant Seats

The provisions of the Bill for vacant seats as set out paragraph 134 onwards of the Explanatory Memorandum are workable and capable of safe and efficient implementation by electoral administrators and political parties.

Seats Remaining Vacant

The provisions of the Bill for seats remaining vacant as set out in paragraph 139 onwards of the Explanatory Memorandum are practical, workable and capable of safe and efficient implementation by electoral administrators and political parties.

Exhausting Lists when Vacancies Arise

The provisions of the Bill for exhausting lists in the event of a vacancy arising seats as set out in paragraph 145 onwards of the Explanatory Memorandum are practical, workable and capable of safe and efficient implementation by electoral administrators and political parties. The likelihood of a seat remaining vacant once a list has been exhausted in this way are extremely low.

The Local Democracy and Boundary Commission

The provisions of the Bill for the repurposing of the Local Democracy and Boundary Commission as set out in the Explanatory Memorandum in paragraph 148 onwards for the maintenance of reviews of Senedd boundaries, in paragraph 155 onwards for functions, in paragraph 161 onwards on name, and in paragraph 165 onwards on membership are necessary and fully supported. The consolidation of inter-related roles, functions and powers under a single accountable national body will allow for more efficient and effective planning and decision-making.

(Whist not directly relevant to this particular Bill it should be noted that there is provision for the WECB to be transitioned to a new statutory Elections Management Board (EMB), and located within the Commission, in the parallel Elections and Elected Bodies (Wales) Bill. If we as a WECB are to see planned electoral reform in its totality then it is important that we can foresee the full extent of the role of a repurposed Commission.)

Boundary Reforms for the 2026 Senedd Elections

The provisions of the Bill for the pairing of the new Parliamentary constituencies to form 16 new Senedd constituencies for the 2026 elections as set out in paragraph 170 onwards of the Explanatory Memorandum are workable and capable of safe and efficient implementation by electoral administrators and political parties.

However, the organisation and administration of elections across local authority boundaries and the respective administrative areas of local returning officers and electoral administrators adds complexity and risk. The selected constituency returning officers will need to be supported, and appropriately resourced, for their more expansive roles for this election. The WECB network is a collegiate one and we are confident that we can mitigate these risks through advance planning and co-operative working.

As with any boundary changes, and indeed change to voting systems for elections, there is the risk of voter confusion. There will need to be significant and ongoing investment in public information by Welsh Government and its national partners.

Boundary Reviews Post 2026 and 2030

The provisions of the Bill for the ongoing review of Senedd boundaries post 2026 and 2030, as set out in paragraph 174 and 178 of the Bill respectively, are necessary.

Residency Requirement

The provisions of the Bill for a residency requirement for candidates as set out in paragraph 181 onwards of the Explanatory Memorandum are workable and capable of safe and efficient implementation by political parties and candidates and agents.

It should be noted that a Returning Officer has to accept the presentation of nominations papers for a candidate or list on 'face value'. Whilst they will give informal advice to candidates and agents, on request, that have no duty or power to check that the information provided within nomination papers is true and accurate. It is their role to ensure that nomination papers are complete and compliant only.

The provisions here for residency and proof of such are quite straightforward. If returning officers are to be required/empowered to refuse to accept a nomination paper where proof of residency cannot be given then the Bill will need to make specific provision for this role. The Bill is silent on this point. We would be anxious if the role of the returning officer were to be extended in such a way. A practical solution would be for a provision to be made in the nomination forms pack for a candidate to list their respective unique electoral register reference alongside their disclosed residential address, in such a way that they could be checked, and challenged with ease, by others.

Senedd Term

The arrangements for the constitutional governance and operation of the Senedd are outside of the scope of the terms of reference of the WECB. However, we should note that the provisions for a change of the electoral cycle for the Senedd from five to four years will mean that the Senedd and local elections will, from time to time, fall in the same year in the future (notwithstanding the legislative restrictions for such an eventuality). Whilst the two are non-reserved elections and operate under the same base electoral arrangements e.g. the voter franchise, and combined elections reduce the organisational costs, the administration of a combined election would be a significant challenge to returning officers and electoral administrators due to the scale and complexity of the task. If we are to have legally-enabled combined elections of this type in the future then full consideration should be given to the resourcing needs of local authorities, and also possible further electoral change such as a lengthened elections period/timetable for non-reserved elections.

Review Mechanism

The provisions of the Bill for a review mechanism as set out in paragraph 198 onwards are necessary.

Diversity Measures

The provisions of the Bill to promote diversity as set out in paragraph 209 onwards are supported in the interests of inclusion and participation and representative democracy.

Regulatory Impact Assessment

The WECB was fully involved with the work on part of the Regulatory Impact Assessment (RIA) co-ordinated by the Welsh Local Government Association as summarised in paragraphs 509-533 inclusive of the Explanatory Memorandum, under the heading *Costs and Savings to Local Authorities*. The RIA is comprehensive and its construction was an inclusive process. We have no specific observations or additional comments to make.