



03/04

Members of the Local Government and Housing Committee  
Senedd.Tai@senedd.cymru

13/11/2023

Dear Committee Members,

### Consultation on the Elections and Elected Bodies (Wales) Bill

In response to several consultations relating to electoral reform in Wales, the Welsh Language Commissioner's office has emphasised that there is currently no legal requirement for returning officers to treat Welsh and English equally. We did so most recently in our [response to the Welsh Government's electoral administration and reform White Paper](#). Our response suggested that the responsibilities of the returning officers should be transferred to the statutory chief executives so that these electoral activities would fall under the scope of the relevant Welsh language standards for local authorities.

The situation of the Welsh language in electoral administration is a cause of considerable concern to us, and on more than one occasion we have received correspondence from members of the public expressing discontent regarding the treatment of the Welsh language in electoral arrangements in their areas. Some of the examples that have come to our attention include a returning officer sending English-only correspondence and failing to publish results in Welsh. Following the receipt of such complaints the Commissioner published a report on the implementation of the National Assembly for Wales and Police and Crime Commissioner Elections in 2017. The above report was a follow-up to a report published examining the 2015 General Election. The purpose of these reports was to consider the extent to which the official status of the Welsh language was respected in the operation of these elections. The latest report concluded that it cannot yet be stated that the experience of Welsh speakers is equal to that of non-Welsh speakers. It should be noted that we believe that the implementation of some of the recommendations of these reports has improved the situation somewhat, and that we have not received many relevant complaints following more recent elections.

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Whilst the situation may have improved, there is still a need to eliminate the discrepancy that election returning officers are not subject to any legal duties relating to the Welsh language. During the scrutiny of the Local Government and Elections (Wales) Bill in 2020 amendments were tabled which were intended to impose legal duties regarding the use of Welsh by election returning officers. In response to the amendments tabled, the then Minister for Housing and Local Government stated that she supported the amendments in principle, and that *'there is a need further work with the entire electoral community around ensuring that the Welsh and English languages are treated equally throughout the elections process'*. It was noted, however, that what was being proposed in the amendments was part of *'a much wider piece of work that is already underway, which relates to the technical electoral administration Bill that will need to be introduced in the next Senedd.'* The Minister noted that it was important to get this right by *'taking the time to ensure that all necessary matters are considered before we start making legislative provision'*.

Although the above matters were included as part of the discussion in the Government's *Electoral administration and reform White Paper*, the proposed Bill makes no provision in relation to this. The Explanatory Memorandum refers to the Electoral Commission's guidance for Returning Officers on the use of Welsh, and also states that the provision of more electoral services in Welsh will have a positive impact on the Welsh language. One way of doing this would be to include provisions in this Bill to impose legal requirements on returning officers ensuring that they do not treat Welsh less favourably than English.

Yours sincerely,

**Efa Gruffudd Jones**  
Welsh Language Commissioner