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Jenny Rathbone MS  
Equality and Social Justice Committee  
Welsh Parliament  
Cardiff Bay  
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Annwyl Jenny Rathbone MS,

My name is Dr Greg Davies; I am a Lecturer in Law at the University of Liverpool. I write on behalf of myself and Dr Rob Jones who is a Lecturer in the Welsh Criminal Justice System at Cardiff University's Wales Governance Centre. Since 2017, Dr Jones and I have engaged with the Committee on several occasions concerning the topic of prisoner voting in Wales. The purpose of this letter is to inform you of our latest research on this topic (attached to the email with this letter) and the possible implications of our findings.

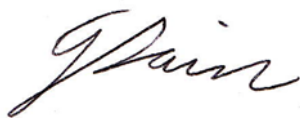
Our paper analyses the Welsh Government's proposal in 2019 to enfranchise prisoners serving under four-year sentences, following the principal recommendation of the Equality, Local Government and Communities Committee. These plans were abandoned at the outset of the Covid-19 pandemic, but Welsh ministers have since indicated that legislation on prisoner voting will be introduced in the current Senedd term. Our research examines the complexities of reforming electoral rights for prisoners in Wales against the backdrop of the 'jagged edge' of criminal justice competences.

Our main conclusion is that, under current constitutional arrangements, any Welsh prisoner voting policy based on sentence length will be conditioned and, crucially, undermined by criminal law and sentencing policy for which Welsh devolved institutions have no control. This is demonstrated by the significant changes within the prison population which have already taken place since the Welsh Government first consulted on prisoner voting in 2017. For example, we show that the number of Welsh prisoners serving up to four-year sentences has fallen by almost a third in that time (31%). Meanwhile, since 2019 the UK Government has increased the use of longer sentences. As a result, the number of prisoners who would be able to vote in Welsh elections under the Welsh Government's 2019 proposals has already shrunk significantly and is likely to reduce further in future, regardless of the decisions on electoral policy taken at the devolved level. In effect, the approach envisaged by the Welsh Government would outsource an important aspect of Welsh democracy to the UK Ministry of Justice.

A narrow majority of the Committee in 2019 favoured the full enfranchisement of the Welsh prison population for devolved elections. In light of our analysis, we believe that this is the only approach which would not tie the Welsh electoral franchise to fluctuations in sentencing policy at the UK level; it therefore deserves reconsideration when the Welsh Government introduces prisoner voting legislation during this term. As part of the Committee's continuing work in this area, we would be happy to provide further written or oral evidence about our latest and ongoing research.

Thank you once again for taking the time to engage with our work. If you wish to discuss this subject further, please do not hesitate to contact us.

Yn gywir,



Dr Greg Davies



Dr Robert Jones