



# The Association of Electoral Administrators

## Response to the Senedd Cymru (Members and Elections) Bill consultation

**Evidence submitted on behalf of an Organisation:** The Association of Electoral Administrators (AEA).

**Summary of Organisation:** Founded in 1987, the AEA is the professional body representing the interests of UK electoral administrators. We are a non-governmental and non-partisan body with over 2,000 members, the majority employed by local authorities to provide electoral registration and election services. Eleven branches of the Association cover the United Kingdom.

### Contact Details:

**National AEA:**

Clare Sim, Head of Member Support on behalf of the AEA

### Consultation

Our response focuses solely on areas that fall within our area of expertise. It concentrates on matters where we have concerns of the potential impact on electoral administrators, Returning Officers (ROs) and Electoral Registration Officers (EROs) and the services they provide to the electorate.

### Decrease the length of time between Senedd ordinary general elections from five to four years

We believe it is a matter for the Senedd to determine the term of office. The electoral community will continue to deliver elections according to specified timescales. However, since the repeal of the Dissolution and Calling of Parliament Act 2022 a UK Parliamentary general election can be called at any time during the five-year term of office. We urge consideration be given to ensuring a combination of reserved and devolved polls is prevented in light of the challenges introduced by the Elections Act 2022.

Section 3 of the Government of Wales Act 2006 states a Senedd election will not be held on the same day as a UK Parliamentary general election (other than an early general election). We believe this needs to be reclarified in the Senedd Cymru (Members and Elections) Bill. For example, what protocols are in place should the UK Government announce a UK Parliamentary general election once the notice of election has been published for a Senedd election? If the UK Parliamentary election takes place in 2024 as expected, there is a strong possibility Senedd and UK Parliamentary elections will both take place in 2034 due to the change in Senedd terms. There may



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be merit in considering moving away from the first Thursday in May for Senedd and local government elections to prevent combination with a reserved poll.

The Elections Act 2022 has introduced significant changes, and we are deeply concerned by the complexity this legislative divergence will bring to electoral administration in Wales.

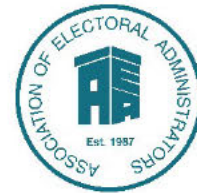
In our [letter to the Counsel General in May 2022](#), we raised concerns there is still legal provision to combine some reserved and devolved polls. At present Police and Crime Commissioner polls can be combined with Senedd and local government elections, and UK Parliamentary with local government polls. It is anticipated local government elections and Police and Crime Commissioner elections will take place on the same day in 2032. This will present huge administrative burdens on electoral administrators and likely lead to elector and candidate confusion.

Given the challenges divergence will bring, we question whether reserved and devolved polls should continue to be able to be combined on the same day. We would encourage you to bring forward legislation to prevent combinations and address any consequential funding issues. Consideration should also be given to the potential benefits decoupling Police and Crime Commissioner elections from England and running them on Wales rules could bring, removing the impact of divergence on this poll.

## **Require candidates to, and Members of, the Senedd to be resident in Wales (by disqualifying candidates and Members who are not registered to vote in a Senedd constituency)**

We believe it is a matter for the Senedd to determine residency requirements. However, the concept of 'face value' should remain when the Returning Officer (RO) is determining a nomination paper. There should be no obligation on the RO to check a candidate is registered to vote in a Senedd constituency when determining their nomination. The responsibility should always rest with the candidate, and the need for them to make a truthful statement on their nomination.

Equally, consideration should be given to whether the Senedd intends to proactively check Members remain registered to vote in a Senedd constituency during their term of office. If they do, legislation is needed to provide for Electoral Registration Officers (EROs) to supply the register of electors and notices of alteration to the Senedd body responsible for conducting such checks. We do not believe this is required. No other proactive check of qualification is carried out for any other election type in Great Britain so it would be disproportionate to implement such a measure here.



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## **Change the Senedd's electoral system so that all Members are elected via closed list proportional representation, with votes translated into seats via the D'Hondt formula**

We believe this is a matter for the Senedd to determine. However, were a closed list system introduced, the use of the D'Hondt formula would be welcomed due to the experience ROs and electoral administrators have already gained from using it for Senedd regional elections.

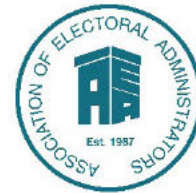
## **Senedd constituencies and Senedd constituencies boundary reviews**

We have concerns over the administrative complexities the intended constituencies for the 2026 Senedd elections are likely to bring. Given time constraints and inability to carry out a full boundary review, the pairing of the 32 UK Parliamentary constituencies to form 16 Senedd constituencies seems to be the most logical thing to do. However, it is not without challenges.

The creation of 16 Senedd constituencies with a designated constituency RO is a new concept. Constituency ROs are currently exclusively responsible for running their constituency election. The regional RO has overall responsibility for the regional election which includes taking nominations, producing regional notices, providing ballot paper templates, and calculating the regional result. However, the constituency RO is still responsible for most aspects of the regional election for their constituency, such as issuing poll cards and postal votes, staffing, booking polling stations and the verification and count. The move to a single constituency RO raises questions about how elections will be administered – will the constituency RO be responsible for all aspects of the election? Will they be expected to appoint ROs in the other authorities that fall within the constituency as deputy ROs to run aspects of the election that fall within their local authority area?

The use of the new UK Parliamentary constituencies would introduce complex cross boundaries for most Wales authorities, further complicating administration. There is potential for up to five local authorities to make up a single Senedd constituency. Equally a single local authority could be split across four different Senedd constituencies. If the expectation remains that each local authority continues to administer aspects of the election that fall within their constituency, this will lead to extremely complex cross boundaries involving more local authorities than is usually the case. Electoral administrators could find themselves running elections for multiple Senedd constituencies under the direction of different constituency ROs. The level of risk and divergence this introduces is significant. It would require all constituency ROs in Wales to work collaboratively and uniformly to prevent placing additional burden on each local authority team.

If the constituency RO is expected to be responsible for running all aspects of the election including issuing and opening postal votes and the verification and count – this is also challenging and not without risk. The constituency RO electorate will be



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larger than most local authorities in Wales are used to. The geographical size of Senedd constituencies will present challenges for electors who require a postal vote to be reissued, and for staff delivering ballot boxes to count venues.

As a result of this complexity, we would suggest the proposed timing for the final 2026 Senedd boundary review report be brought forward from 1 April 2025. We understand the need for sufficient time for consultation, but the potential for Senedd constituency boundaries to come into force as late as July 2025 offers little time for designated constituency ROs to plan and co-ordinate to the scale required of them.

Sufficient training, funding and support should be made available to local authorities, EROs and ROs to deal with the complexity cross boundaries will bring.

For future reviews of Senedd constituencies, the current proposed timing of 1 December for final reports coincides with the last date EROs are required to publish the revised register of electors following the annual canvass. We would suggest an earlier publication date to allow EROs to take into account any changes to constituency boundaries, including subsequent changes to polling districts. If the 1 December review date remains in place, EROs may be required to make changes to their register of electors later in the year. This will require them to republish and redistribute the register, placing an additional burden on them and risking confusion for register recipients, including political parties.

**Clare Sim**

**Head of Member Support on behalf of the AEA**

**19 October 2023**