



Senedd Cymru (Electoral Candidates Lists) Bill

Follow-up Written Evidence of the Wales Electoral Coordination Board (WECB) for the Senedd Reform Bill Committee

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 seven 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 appeared before the Reform Bill on 21st March, alongside the Electoral Commission and the Association of Electoral Administrators (AEA) to give oral evidence. As co-evidence givers, the three organisations were invited to provide supplementary written evidence on specific points within the Bill in question.

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 and is concise.

Our evidence should be heard and read in conjunction with that of our partners the Electoral Commission and the Association of Electoral Administrators (AEA).

Evidence on the Bill

Principles

The WECB advocates the following principles in advising on electoral reform proposed within this or any other Bill: -

- 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.

Verbal Evidence

The WECB gave verbal evidence on the Bill to the Committee, alongside the Electoral Commission and the Association of Electoral Administrators, on 21st March.

This evidence is a matter of record.

The Committee invited further written evidence from the WECB and our partners.

We fully support the content of the written evidence provided by the Electoral Commission and the Association of Electoral Administrators since the date of our appearance before the Committee. We do not need to repeat their evidence in any detail.

The specific points where we would like to emphasise our position to guide the Committee are as follows: -

Roles of the Constituency Returning Officer (CRO) and National Nominations Compliance Officer (NNCO): the WECB brings together senior Returning Officers and Elections Services Managers alongside national partner organisations. We are content that the CRO and NNCO as set out, can be performed effectively, subject to the limitations on their role as set out in the Bill and as set out in our verbal and written evidence as partners. The CROs should have no role in adjudicating on any objection to the nomination of a candidate on the grounds of their gender declaration. The provisions for objections for Senedd Elections should be reviewed and clarified/removed as the AEA advises. There is further work to be done on the precise role of the NNCO in readiness for the eventual Conduct Order, and we will continue to advise Welsh Government officials on request.

Election Timetable: the election timetable for the Senedd Elections should be extended by a minimum of three days to make allowance for the inclusion of the proposed compliance period for the verification of political party nomination submissions across Wales. Otherwise, there is insufficient time for the proposed National Nominations Compliance Officer to perform their role without compromising the normal timetable. Without such an extension then there is a high risk of failure of process or error in procedures, either by political parties or electoral administrators, due to the pressure of time in an already congested and demanding election timetable. The Association of Electoral Administrators sets out a suggested timetable in its written submission. Ideally, the election timetable should be extended further in the interests of efficient and effective elections management. There is ample time for the dissolution of the Senedd, and the planned management of its business in proximity to an election, to be adjusted accordingly.

Candidate Withdrawals: there will need to be specific provisions for the withdrawal (or death) of a candidate as a withdrawal by a political party nominating more than one candidate for a constituency would require an amendment to their closed list, and would thereby impact on compliance for vertical candidate listings under this Bill. There is further work to be done on withdrawals, and we will continue to advise Welsh Government officials on request.

False Candidate Gender Statements: we are not able to offer a position on this question as we do not offer formal legal advice. However, the legislative provisions for any material offence should be both comprehensive and proportionate. We would expect the candidate selection and nomination processes within political parties to be robust and defensible, and for all parties to act with integrity at all times.

Election Petitions: Returning Officers and Elections Services Managers have no role in advising on petitions, or their initiation or adjudication, as a remedy for a legal challenge to the conduct or outcome of an election.