

# Draft Regulatory Impact Assessment

Electoral Administration and Reform White Paper  
Consultation

October 2022

# Contents page

## REGULATORY IMPACT ASSESSMENT

6. Regulatory Impact Assessment summary
7. Options - Summary
8. Costs and benefits - Summary
9. Costs and benefits – Chapter 3 of the White Paper – Simplifying electoral registration in Wales
10. Costs and benefits – Chapter 4 of the White Paper – Strengthening electoral administration
11. Costs and benefits – Chapter 5 of the White Paper – Building democratic health
12. Costs and benefits – Chapter 6 of the White Paper – Modernising Welsh elections
13. Costs and benefits – Chapter 7 of the White Paper – Improving our democracy
14. Impact Assessments
15. Post implementation review

# REGULATORY IMPACT ASSESSMENT

## 6. Regulatory Impact Assessment (RIA) summary

This is a draft RIA to support legislative proposals within the Electoral Administration and Reform White Paper. The intention is to set out initial cost and benefit assessments of options where possible and outline the type of anticipated costs and benefits for with available information where possible. Also, to seek additional and alternative evidence to inform the final assessment.

This will be further developed following the white paper consultation and a full RIA will be published alongside any Bill to take forward those proposals.

There are no specific proposals which charge expenditure on the Welsh Consolidated Fund.

The White paper consultation includes proposals for primary legislation to take forward the following areas:

### Chapter 3 of the White Paper – Simplifying electoral registration in Wales

- Restating the Franchise
- Automatic registration
- Improving student and young people's registration rates

### Chapter 4 of the White Paper – Strengthening electoral administration

- Electoral Management Board
- Changes to the arrangements for electoral and community reviews
- Transfer of functions from the Independent Remuneration Panel for Wales (the Panel) to the Commission and the dissolution of the IRP
- Campaign finance, expenses and political party spending
- Electoral Pilots

### Chapter 5 of the White Paper – Building democratic health

- Accessible Voter Information
- Improving accessibility of electoral process for underrepresented people;
- Strengthening of the Undue Influence Electoral Offence
- Other candidate safety measures
- Access to Elected Office Fund
- Candidate survey

### Chapter 6 of the White Paper – Modernising Welsh elections

- Flexible Voting
- Postal vote ballot tracking

### Chapter 7 of the White Paper – Improving our democracy

- Changes to the disqualification regime for Local Councillors from also serving as Members of the Senedd

At this stage we have set out a consideration of some of the types of costs and benefits that may apply. In many cases these proposals are at an early stage and detailed cost and benefit assessments will not be possible until firmer proposals are developed, following the White Paper consultation.

We have been able to provide some initial cost estimates for some of the areas likely to have the most significant costs in the terms of the policy areas set out below. Note that these are initial estimates, which will be refined as the proposals are developed further and we gather more evidence following the consultation.

#### Automatic registration

##### *Additional costs for Welsh Government*

- Transitional costs for changes to Electoral Management Systems – These costs are not known but changes to extend the franchise to 16-17 year-olds cost £1.6m in 2020-21 and could potentially be comparable.

##### *Additional costs for local government*

- Recurrent costs – **£1.8m** per year

This includes £1.5m each year for a letter to all voters to inform them of automatic registration. Note that this likely to be an overestimate as there is capacity for savings to be made through email and other communications. It also includes £305,000 opportunity costs relating to the deployment of staff resources to implement the requirements

#### Electoral Management Board

##### *Additional costs for Welsh Government*

- Transitional costs – set-up costs of organisation e.g. premises, recruitment, IT equipment, office equipment. Not yet estimated. We will look at set-up costs for similar recently established organisations for a comparison.
- Recurrent costs - **£640,000** per year for ongoing operational costs for the organisation

#### Transfer of functions from the Independent Remuneration Panel for Wales (the Panel) to the Commission and the dissolution of the IRP

We do not anticipate any significant additional costs, but rather a transfer of costs between organisations

Additional costs for the Local Democracy and Boundary Commission for Wales

- Recurrent costs of £140,000

Cost savings for the Panel

- Recurrent savings of £50,000

Cost savings for the Welsh Government

- Recurrent savings of £90,000

#### Electoral pilots

If the proposal is taken forward to introduce a power which would enable Welsh Ministers to compel a local authority to pilot electoral innovations, this could result in additional costs for the Welsh Government.

The costs will depend on the number, type and scale of pilots delivered under such powers so cannot be estimated at this stage. For comparison, the cost of the four electoral pilots undertaken in May 2022 was around £1.5m.

#### Flexible voting

##### Reforming postal and proxy voting

##### Postal vote ballot tracking

There will be costs and benefits associated with these three proposals – likely transitional as well as recurrent costs for Welsh Government and local authorities, however it will not be possible to estimate these until the proposals are developed further following the White Paper consultation.

#### Welsh Government transitional costs

There will be transitional costs to the Welsh Government. These will be opportunity costs relating to deployment of staff resources to prepare the guidance and secondary legislation necessary to implement the legislative proposals set out in the White Paper. We have not yet estimated these as a number of these proposals are still at a formative stage. For comparison, these costs for the Local Government and Elections (Wales) Act 2021, introduced as a Bill in 2019, were approximately £756,000.

#### Benefits

We have not quantified any benefits at this stage. The intention of the proposals is to remove the democratic deficit. Expected unquantified benefits include:

- making democracy and voting more accessible to all members of our society and encouraging active participation in democratic life in Wales
- helping people become more active, engaged citizens and in doing so contribute to better socio-economic outcomes
- modernising the administration of elections in Wales
- improving the use of technology to make it easier for voters and candidates to participate in democracy

#### Key evidence, assumptions and uncertainties

The information set out in this draft RIA is based on the best information available in relation to the proposals. This has been informed by extensive engagement with electoral stakeholders and consideration of existing information, such as impact assessments for recent electoral legislation.

We are working with Knowledge and Analytical Services to develop the evidence base in these areas, and also commissioned the Wales Centre for Public Policy report 'Reform of electoral law and practice' (Gomes et al, 2022).

The White Paper consultation will offer the opportunity to add further information and data to assess the costs and benefits more thoroughly as we further develop and refine proposals. The consultation will also help to highlight sources of information and data to further develop the RIA and to ensure the relevant stakeholders are engaged.

We will include a summary table of total costs in later versions of the RIA, to accompany any proposed legislation. This will include:

**Administrative cost**

**Compliance costs**

**Other costs**

**Unquantified costs and disbenefits**

**Benefits**

**Key evidence, assumptions and uncertainties**

## 7. Options - Summary

The White Paper sets out proposed reforms to meet the Programme for Government commitment to reform local government elections to reduce the democratic deficit and to support improvements to Senedd Elections. The White Paper includes a mixture of non-legislative propositions to promote engagement in elections and make standing for election safer and more straightforward, proposals for legislation to consolidate and modernise electoral law which we would look to introduce during this Senedd, and longer-term propositions for electoral reform to support Welsh democracy in the future.

There are a number of interdependencies with the Senedd Reform Bill and officials are working together on those areas. We will work closely to ensure a distinction is made between the costs and benefits of both areas of legislation. Also, we will look to co-ordinate work where possible, for example using the same assumptions for assessing opportunity costs for local authority staff resources.

This draft RIA focuses on the proposals within the White Paper that would likely require primary legislation to deliver. For most proposals, the two main options considered are:

Option 1 – Business as usual

Option 2 – Implement legislation to deliver the proposal.

In some cases, we have set out three options, for example, for the Electoral Management Board and Changes to the disqualification regime for Local Councillors from also serving as Members of the Senedd.

## **8. Costs and benefits - Summary**

8.1 This draft RIA has been informed by the best information available at the time. We have set out initial costs and benefit estimates for some proposals, but for others, this will not be possible until the options are developed further following consultation.

8.2 The intention is to assess the costs and benefits associated with the options over a ten-year period, from the year of enactment of legislation, likely 2024/25. This will allow for the costs and benefits to be assessed over two election cycles. The base year for setting costs would be the year of introduction of legislation, likely 2023/24.

8.3 Where appropriate, the costs and benefits will be presented in Present Value terms using a discount rate of 3.5%. This is in line with the guidance in HM Treasury's Green Book. The base year for all Present Value calculations will be the year of introduction of legislation.

8.4 Each option has been assessed using the best available information to the Welsh Government. The costs and benefits are calculated at an all-Wales level. Throughout the RIA, costs and benefits are estimated on an annual basis and then collated over a ten-year period.

8.9 The benefits identified are largely discussed in qualitative terms, and have not been quantified or monetised, due to the nature of the proposals. Any costs included are forecasts.

8.11 This assessment has been prepared following engagement with key stakeholders. This continued engagement, along with the outcomes of the White Paper consultation will help to inform a full RIA for any legislation taken forward. From the consultation.

## **9. Costs and benefits – Chapter 3 of the White Paper – Simplifying electoral registration in Wales**

### **9.1 Restating the Franchise**

We are considering restating the franchise for Welsh elections in one bilingual Act and updating the franchise and candidacy rights for EU citizens now that the UK has left the EU.

The current provisions setting out the franchise for devolved elections in Wales are untidy which creates complexity. In addition, as the UK is no longer a member of the European Union (EU), the legal basis for an automatic grant of voting and candidacy rights to all EU citizens no longer exists. Therefore, we are considering the changes we need to make to the franchise to reflect the fact that EU citizens no longer have an automatic right to vote in the UK.

The consultation has invited views on the options for EU citizens. One option is to treat EU citizens in the same way as we treat foreign nationals from other countries, whilst another option may be to align voting rights with immigration status. We may also need to consider the effect of the reciprocal voting and candidacy rights agreements. The costs and benefits will be assessed as the options are developed further.

## **9.2 Automatic registration**

Two options have been considered in developing this policy:

- Business as usual; and
- Introduce the registration of electors without application (automatic registration) for local government electors in Wales

A non-legislative option is not possible in this case, as all arrangements for the registration of electors in set out clearly in primary and secondary legislation.

### **Option 1: business as usual**

This option would continue the current practice of Individual Electoral Registration (ITR) whereby each elector is required to take part in the annual canvass in order to be registered to vote.

### **Option 2: the registration of electors without application (automatic registration)**

This option would provide for registration of local government electors without application where the electoral registration officer is satisfied that they have reliable information that an individual is eligible for registration.

Whilst voters would be added to the register of local government electors without having to make an application, they would subsequently be contacted by the electoral registration officer to inform them of their proposed registration. This would provide the elector, in certain limited situations, to be 'anonymously registered' (a category available to someone where disclosure of their address might endanger them or others in their household).

To ensure the data of automatically registered electors is used in the most appropriate way, the open electoral register will no longer be available for the local government register. This means that only the full, or closed, register will be made available to those granted access via legislation.

Given that the move to automatic registration for devolved elections in Wales would be a significant change to the administration of elections in Wales, the Welsh Government propose to work with local authorities to pilot activity ahead of the secondary legislation to fully implement automatic registration. We have asked for comments about the specific aspects of automatic registration that should be piloted, but the programme is likely to pilot different ways of operating automatic registration, and as such any costs associated with the full roll out will only be estimated at the moment. If a decision is taken to proceed with automatic registration, a full costs analysis will accompany the necessary secondary legislation that will be required ahead of the full roll out, this will provide the most up-to-date financial implications based on the model that will be implemented across all local authorities in Wales.

## Automatic registration

### **Costs and benefits**

#### **Option 1: Business as usual**

##### **Costs**

##### Costs to local government and Welsh Government

Option 1 would introduce no additional costs.

##### **Benefits**

##### Benefits to local government and Welsh Government

This option would deliver a benefit to voters due to a reduced complexity in the system. If automatic registration is introduced, some voters will still need to register to vote on an annual basis through the Individual Electoral Registration system. This will only apply to those voters eligible to on both the local government and parliamentary electoral registers.

#### **Option 2: The registration of electors without application (automatic registration)**

##### **Costs**

##### Costs to the Welsh Government

The costs to Welsh Government will centre on the changes required to the Electoral Management Systems (EMS's). Detailed discussions will need to take place between EMS providers, local authorities and Welsh Government to ascertain a reasonable estimate for these costs. However, in 2020-21 around £1.6million was paid to EMS providers to support the required changes to systems following the extension of the franchise.

Costs will continue to be calculated during the piloting period as the final model of automatic registration is developed and before a decision is taken as to any final model for automatic registration ahead of any roll out across Wales. These costs will be one off costs as the Welsh Government will meet the initial costs of changes to EMS systems resulting from this policy.

There will be no costs to the Welsh Government of removing the open register in relation to Wales.

## Costs to local government

At the moment we have identified two areas of additional costs to local government, however this may change following the consultation and piloting period.

Given the requirement for additional data mining to be undertaken by each local authority we are currently estimating that this would require an additional officer working full time for 2 days a week.

We have estimated these costs at around £305,000 per annum. This would equate to around £14,000 per authority based on a spine point 21 salary of the national Local Government pay agreement (2020-21) where a full-time officer worked 2 days a week specifically on the data mining work. This additional cost would be a long term cost for the local authority as its likely the additional data mining functions would be required ahead of the production of the electoral register on an annual basis.

Additionally, there will be an added cost to local authorities in making contact with electors to give provide them with a notice of registration. We propose to allow flexibility to local authorities to use the most appropriate methods of communication (in line with the current canvass regulations) however, we have estimated costs for a letter to be sent to each elector directly.

These figures have been calculated based on the average cost of sending an Invitation to Register (ITR) to electors in July 2022 along with the numbers of people registered within each local authority.

We currently estimate that to send a paper letter to each elector in Wales will cost around £1.5million each year. The cost per authority will vary between £30,000 and £150,000 depending on the size of the authority and electorate.

There will be capacity for savings to be made if electors are contacted via email or other electronic communication methods.

These costs will be additional to the cost of the annual canvass, as these two systems or registering will need to run concurrently and will require the local authority to make contact with potential electors twice. While there are cost saving opportunities it is likely that the additional cost will be long term given the additional duty placed on each authority.

Local authorities will lose a modest amount of income from the removal of the open register in relation to devolved elections, anecdotal evidence suggests this will be in the hundreds of pounds on an annual basis. However, the open register will still be in place for the parliamentary register and income will continue to be generated from this.

## **Benefits**

### Benefits to local government

The registration of electors without application would help increase the completion of the register of local government electors. Piloting this activity ahead of full roll out will allow for the most suitable and effective model to be introduced on a Wales wide basis. This approach will ensure that voters are given the best possible opportunity for being placed on the local government electoral register (which is also used for Senedd elections) without application.

### Benefits to other people

Whilst this would be beneficial for all electors, it is expected to be of particular benefit in respect of 'attainers' (14 and 15 year olds who would become eligible to vote in the next two years), where data could be provided to the electoral registration officer by schools and educational services. The Electoral Commission have stated their support for automatic registration of young persons. For Qualifying Foreign Citizens, it would mean that they did not have to register to vote in order to participate in the elections for which they are eligible to vote. Overall automatic registration will help simplify the relationship between the elector and democratic services.

The removal of the open register in Wales will be of primary benefit to young people and those considered vulnerable. The current open register is sold to a number of organisations that are willing to pay for access to elector's data. If a young or vulnerable person's data is sold via the open register it is possible they may be targeted by organisations that could do them harm. Removing the open register in relation to devolved elections will mean that those people automatically registered, or those young people and qualifying foreign citizens not eligible to vote in reserved elections will not have their details sold on to third parties. Electoral data will continue to be supplied via the closed register to those organisations that are allowed access by law.

The open register would still be in place in Wales for the parliamentary register, but this would only apply for those people 18 years of age and over, and those that had made an application to register to vote via the Individual Electoral Registration system.

## **Preferred Option**

Option 1 would maintain the status quo.

Option 2 would allow for the individuals to be included on the electoral register without application by promoting data-sharing between local authorities and

other organisation that hold relevant data. This would also remove the requirement for individuals to verify their data by Individual Electoral Registration where automatic registration and data matching has taken place in relation to the local government register. Option 2 is the preferred option.

## 10. Costs and benefits – Chapter 4 of the White Paper – Strengthening Electoral Administration

### 10.1 Electoral Management Board

The issue under consideration is whether an Electoral Management Board should be established in respect of devolved elections in Wales.

The *Electoral Management Board for Scotland* was established, as a statutory committee, by the *Local Electoral Administration (Scotland) Act 2011*. It has the general functions of co-ordinating the administration of Scottish parliamentary elections, and local government elections in Scotland, including:

- assisting regional returning officers, constituency returning officers, local authorities and other persons in carrying out their functions in relation to Scottish parliamentary elections,
- assisting returning officers, local authorities and other persons in carrying out their functions in relation to local government elections, and
- promoting best practice in Scottish parliamentary elections and local government elections by providing information, advice or training (or otherwise).

In Wales, the *Wales Electoral Coordination Board* (WECB) was established in 2017 to help facilitate the coordination of electoral events and electoral activity, modernisation and reform in Wales. It also facilitates greater collaboration between Returning Officers, Electoral Registration Officers and other key partners. The WECB is facilitated by the Electoral Commission and does not receive Welsh Government funding.

Three options have been considered as follows:

- 1) Maintaining the status quo with the WECB retaining its current role.
- 2) Establishing an “electoral management board” as a statutory committee (as in Scotland) to undertake the functions currently within the remit of the WECB independently of government.
- 3) Establishing an “electoral management board” as a public body to undertake the functions currently within the remit of the WECB independently of government.

#### **Option 1: Maintaining the status quo with the WECB retaining its current role.**

The WECB is not a statutory body and is facilitated and administrated by the Electoral Commission. The participation of returning officers and electoral registration officers is not mandated and the WECB has no statutory functions or powers of direction.

The WECB has limited capacity to support the implementation of Welsh Government’s programme of electoral reform. If funding was allocated by the

Welsh Government to increase its capacity, this funding would presumably need to be managed on behalf of the WECB by the Electoral Commission. This could raise questions of conflict of interest as the Commission would potentially be required to report on the conduct of tasks which a body it facilitates (and whose funding it manages) had been funded to carry out.

The WECB is not a statutory body and, as such, cannot be given a power of direction.

### **Option 2: Establishing an “electoral management board” as a statutory committee**

The board’s functions would be set out in legislation and the board could be given powers of direction over returning officers and electoral registration officers. The board would not be able to hold funding and its capacity to employ staff would be limited (the Electoral Management Board for Scotland has a single employee working 80% of their time on Board Issues and “hosted” by another organisation).

As a statutory committee, without the ability to employ staff and receive Welsh Government funding, the capacity of the Electoral Management Board to support the agenda for electoral reform is extremely limited.

### **Option 3: Establishing an “electoral management board” as a public body.**

As with option 2, the board’s functions would be set out in legislation and the board could be given powers of direction over returning officers and electoral registration officers.

As a public body with the necessary infrastructure in place to receive (and properly manage) funds, and to employ staff, the Board would be well placed to take forward a number of key components of its agenda for electoral reform.

These could include -

- advising Welsh Ministers on local levels of preparedness to run the annual canvass and elections;
- hosting electoral information and signposting to other trusted sources of electoral information;
- commissioning and, publishing data and research, and advising Welsh Ministers on issues related to the democratic health of the nation.
- 

### Costs and benefits

#### **Option1 - Maintaining the status quo with the Wales Electoral Co-ordination Board retaining its current role.**

##### **Costs**

In principle, there would be no additional costs associated with this option (unless it was decided that the Welsh Government should provide funding)

##### **Benefits**

This option maintains the status quo and we have identified no additional benefits associated with it.

**Option2 – Establishing an “electoral management board” as a statutory committee (as in Scotland) to undertake the functions currently within the remit of the Wales Electoral Co-ordination Board independently of government.**

**Costs**

Based on the annual costs associated with the operation of the Electoral Management Board for Scotland, we estimate that establishing an electoral management board in Wales as a statutory committee would cost in the region of £130k per year.

**Benefits**

An electoral management board with statutory functions around co-ordination of electoral activity and, potentially, a power of direction over Returning Officers and Electoral Registration Officers will help ensure a consistent, all-Wales approach to administration for non-reserved elections.

**Option 3 – Establishing an independent “electoral management board” as a public body.**

**Costs**

At this stage, it is not possible to provide an accurate calculation of the costs associated with establishing and operating an electoral management board as a public body. This is principally because its statutory functions and thus, the number and type of employees required (and hence their salary costs) have not yet been determined. However, we have begun to consider the costs involved by looking at other public bodies including the Local Democracy and Boundary Commission for Wales.

During the 2020/21 financial year, the Commission’s total operating expenditure was £1,016,733 ([Draft Accounts 13-14 \(gov.wales\)](https://gov.wales/draft-accounts-13-14)) made up of £684,098 staff costs and £332,635 other operating expenditure (including things like premises, equipment, IT and legal fees). If an Electoral Management Board were to be established, it has been assumed that the latter costs would be roughly the same. However, with regard to staffing costs, an adjustment would be needed. The cost for permanent Commission staff (10.9 employees) was £560,020. We estimate that the number of employees would not exceed 6 and therefore forecast a cost of approximately £308,267 ( $£560,020/10.9 \times 6$ ).

Based on the above assumptions and calculations, we estimate that the annual operating cost of an Electoral Management Board for Wales with 6 members of staff would be as follows:

Staff Costs	£308,267
Other Operating Costs	<u>£332,635</u>
Total Operating Costs	£640,902

Over ten years, this represents a total operating cost of approximately £6.41million.

**Benefits**

As with option 2, an electoral management board with statutory functions around co-ordination of electoral activity and, potentially, a power of direction over Returning Officers and Electoral Registration Officers will help ensure a consistent, all-Wales approach to administration for devolved elections.

There are considerable additional benefits to this option because the electoral management board will have the infrastructure to receive funding and employ staff, thus placing it in an ideal position to take forward the implementation and delivery of a number of the important measures associated with the Welsh Government's agenda of electoral reform.

## **10.2 Changes to the arrangements for electoral and community reviews**

### **Background**

Part 3 of the Local Government (Democracy) (Wales) Act 2013 (the 2013 Act) describes the types of review of local government areas and arrangements that may be conducted and details the procedure which is to be followed in conducting a review. It also deals with the manner in which any recommendations made as a result of the review are to be implemented.

In particular, section 29(1) and (2) of the 2013 Act requires the Local Democracy and Boundary Commission for Wales Commission (the Commission) to undertake an electoral review of each principal area's electoral arrangements at least once every ten years and to prepare and publish a programme for conducting all of those reviews.

Section 22 of the 2013 Act requires principal councils to monitor the community areas and their electoral arrangements in its area. In doing so the council must have regard to the 10-year programme of electoral reviews published by the Commission and any directions issued to the council by the Welsh Ministers.

The 2017 programme of reviews concluded in 2021 and made a number of changes to the electoral arrangements across Wales. Welsh Ministers committed to reflect on the current arrangements for reviews, listen to feedback from others and identify opportunities for improvement.

As a result of a series of discussions with those involved in the review process and feedback received during the review process Welsh Ministers have proposed a package of measures to build upon and strengthen the arrangements for both electoral and community reviews.

The proposed changes will:

- Address concerns expressed about the time taken to complete reviews, make decisions about the recommendations and the making of Orders to implement the required changes, by setting out a series of time limits in respect of individual parts of the process.
- Expand the number of things to be considered when developing recommendations for reviews, to include items such as student population, visitor numbers, concentration of businesses, whether the ward is rural or urban and deprivation levels. Alongside existing criteria, the intention is then for there to be a rounded assessment of all criteria when considering the number of councillors required for each area.
- Add to the requirements in respect of engagement and consultation at each stage of the review process, including targeted consultation about new recommendations which are formulated following consultation on

draft reports. This will ensure no recommendations are submitted to Welsh Ministers without being consulted upon.

- Provide explicit direction making powers for Welsh Ministers to pause a review. This would provide flexibility in circumstances such as those experienced in the pandemic, periods of flooding or changes to the date of an ordinary election.
- Expand Welsh Ministers' powers to include the option of asking the Commission to revisit one or more recommendations within a report. At present Welsh Ministers are not able to direct the Commission to re-visit one or more recommendations within a final report. This has led to delays and could ultimately lead to all recommendations within a single report to be rejected or for no action to be taken as a result.
- Increase the transparency of the process for determining ward names in Welsh and English and enable greater engagement by voters with this element of the review process.

Welsh Ministers consider the package of measures included in the White Paper represents a significant strengthening of the arrangements for delivering effective and convenient government.

### Options

For the purposes of this RIA, two options have been considered for this proposal

Option 1 - Business as usual

Option 2 - Changes to the arrangements for electoral and community reviews

### **Option 1 Business as usual**

#### **Description**

This option would maintain the status quo. It would mean the arrangements for electoral and community reviews would continue as currently and the concerns raised both during and at the conclusion of the 2017 programme of reviews are not addressed.

#### **Costs**

##### Costs to Welsh Government, the Commission and local government

This option would not introduce any additional costs. However, the benefits of building on, and improving the current arrangements would not be realised. The opportunities to strengthen effective and convenient government would

be missed and would result in the concerns raised as a result of the recent 2017 programme of reviews being repeated in future review programmes.

## **Benefits**

This option would not deliver any benefits.

## **Option 2 - Changes to the arrangements for electoral and community reviews**

### **Description**

This option would introduce a package of measures to address concerns raised by those involved in the review process and by members of the public through correspondence and petitions.

It would improve the timeliness of reviews, strengthen the consultation arrangements, provide greater clarity of purpose about aspects of the process and increase flexibility to manage the arrangements in light of prevailing circumstance such as the recent pandemic. Taken together the following measures are designed to strengthen the current arrangements.

The following changes to the 2013 Act are therefore proposed:

- amend the period during which the Commission is not able to publish or submit recommendations to Welsh Ministers from nine to 12 or 15 months.
- Introduce new provision to prevent Welsh Ministers making an electoral arrangements Order within the six months period preceding an Ordinary election.
- Strengthen s37 of the 2013 Act to clarify its purpose, which is to provide an opportunity for representations to be made to Welsh Ministers rather than the Commission in respect of the final recommendations contained within a final report.
- Introduce new provision requiring an electoral review to be completed within 15 months (from start to submission of final recommendations) and a community review to be completed within 24 months.
- Introduce new provision to require Welsh Ministers, as far as is reasonably practicable, to make a decision, within three months of receiving the final report from the Commission. In the case of community reviews the Order making body is required to make a decision within three months of receipt of the final recommendations.
- Expand the number of things to be considered when developing recommendations, to include items such as student population, visitor numbers, concentration of businesses, whether the ward is rural or urban and deprivation levels and require there to be a rounded assessment of all criteria when considering the number of councillors required for each area. These expanded criteria to apply to community reviews as well as electoral reviews.

- Addition of explicit power for Welsh Ministers to direct the Commission to revisit one or more recommendations contained within a final report.
- Addition of explicit powers for Welsh Ministers to direct the Commission to pause a review.
- Strengthen the arrangements for consultation by expanding the list of mandatory consultees, ensuring eligible electors have an opportunity to make representations as part of the consultation about the preparation of its programme of review, the recommendations contained within a draft report and consultation about new recommendations prior to the submission of final recommendations.
- Clarify the requirement for principal councils to undertake a full community review in advance of an electoral review, and that the electoral review should commence within two years of the completion of the community review to ensure information remains current.
- Require the Commission to set out and consult upon its approach as part of its policy and practice statement and publish both Welsh and English ward names in the Welsh and English versions of its reports

## Costs

### Cost to Welsh Government

The main requirements for electoral and community reviews remain as at present. The improvements contained within the proposal are not expected to add significant costs throughout the processes. However, there will be costs associated with the production of guidance to support both the Commission and principal councils. The costs associated with the production of the guidance is set out in the table below. It is expected to be incurred 2023-24

Staff costs	Annual salary plus on costs (£)	Daily cost (£)	Days required	Total (£)
Grade 7	90,165	409	10	4,098
EO	43,219	197	10	1,967
Lawyer (Grade 7)	90,165	409	5	2,045
Translation (SEO)	70,507	320	5	1,600
			Total	9,710

### Cost to Commission

The main requirements for electoral and community reviews remain as at present. The improvements contained within this proposal are not expected to add significant costs throughout the process. As now costs associated with community reviews can be recouped from the appropriate principal council. There will be additional costs to the Commission where new recommendations emerge as a result of consultation on a draft report. Under these proposals a further targeted consultation would be required, which is an additional step to

the current arrangements. Should this option be exercised, the estimated costs would be between £3,000 to £5,000 per targeted consultation.

### **Cost to local government**

The expectation for each principal council in respect of electoral and community reviews was set out in the 2013 Act. We do not anticipate any significant additional costs for local government as a result of these proposals. However, we anticipate the requirement to produce an annual report to Council each year, will have small additional recurrent costs amounting to two days per year for each council and small initial establishment costs such as staff training. (Costs to be added)

### **Benefits to local government**

The measures introduced through this proposal will allow for a greater degree of planning between the Commission and local government. This will ensure all parties are clear when each review will commence and finish and will therefore assist in the allocation and management of resources to support the reviews.

The inclusion of the provision prohibiting Welsh Ministers from making Orders during the six months prior to an ordinary election will provide assurance to principal councils that they can proceed with preparations for their elections knowing there will be no change.

The introduction of additional criteria to be considered when undertaking reviews will enable recommendations to better reflect local circumstances and improve the arrangements for effective and convenient local government.

### **Benefits to others**

The measures in this proposal will ensure all recommendations are consulted upon, with greater emphasis on ensuring voters are aware of and have the opportunity on recommendations about the areas in which they live.

This proposal will strengthen local democracy and accountability and is intended to generate greater trust between local government and local citizens.

### **Preferred Option**

Option 1 would maintain the status quo. The opportunities to strengthen arrangements would be lost and those who raised concerns about the current arrangements would be left feeling that their voices were not heard or acted upon.

Option 2 will strengthen the current arrangements, provide greater opportunities for planning review programmes and as a result resource

allocation. It will also provide a greater focus on ensuring voters have the opportunity to be fully engaged in the process, with the confidence that they have been consulted on all recommendations. It will enable arrangements that better reflect effective and convenient local government.

Option 2 is the preferred option.

### **10.3 Transfer of functions from the Independent Remuneration Panel for Wales (the Panel) to the Commission and the dissolution of the IRP**

#### **Background**

The Panel is the independent body whose principal function is to make determinations on the salaries and payments principal councils, community councils, fire and rescue authorities and national park authorities make to their elected members. Its powers also include making recommendations on any proposed changes to the salaries of the chief executives of principal councils.

In 2021 an independent Ten-Year review of the Panel was undertaken to establish whether the organisation remains fit for purpose and good value to the public purse. One of the recommendations was to reconsider the existing arrangements for the secretariat support to the Panel and consider whether an independent Welsh body with a similar agenda could provide secretariat support rather than the Welsh Government.

Following consideration of independent Welsh Bodies, the commonalities, and dependencies between the work of the Panel and the Local Democracy and Boundary Commission for Wales (the Commission) were highlighted, and the potential to bring together the functions of the two bodies into one body was also considered.

The Welsh Ministers agree with the recommendation secretariat support for the Panel should be provided by a body other than the Welsh Government, which would reinforce the independence of the Panel's operation.

The Commission is considered to have the closest fit, as it is independent, a body corporate, and has an effective internal secretariat function headed by a chief executive. The Commission draws on the same evidence base and stakeholders to undertake its work and its purpose is also rooted in promoting effective local democracy.

In reality there is already a symbiotic relationship between the work of the two organisations. Both agendas rely on having a real understanding and appreciation of the needs of the population, the way elected members and councils operate and the impact of these issues on elected members' workloads.

The Welsh Ministers therefore intend to go further than the recommendation, based upon the synergies between the Panel and the Commission and transfer the functions of the Panel to the Commission. This would mean the same set of Commissioners would determine the numbers of councillors across Wales, the electoral arrangements, and the remuneration of councillors.

In making these changes, the Welsh Ministers propose not to transfer the Panel's functions in section 143A of the Local Government (Wales) Measure 2011 (the Measure) relating to the remuneration of principal council chief

executives. This provision was added in response to a specific set of circumstances which are no longer relevant. It is an anomaly as all other functions of the Panel relate to the remuneration of elected members. Remuneration of officers sits firmly within employer / employee arrangements and there are other ways of addressing any issues, such as the requirement to publish pay policy statements as per sections 38 to 43 of the Localism Act 2011, to ensure transparency in relation to the remuneration arrangements for a principal council's most senior employee. We propose, in transferring the functions, to explore the options for clarifying whether the Panel should make determinations about schemes of parachute payments for elected members on the relevant bodies within their remit.

## **Options**

Two options have been considered:

Option 1 – Business as usual

Option 2 - Transfer of functions from the Independent Remuneration Panel for Wales (the Panel) to the Commission and the dissolution of the IRP.

Option 1 Business as usual.

## **Description**

Option 1 would result in no change. While the Panel could proceed with a number of the non-legislative improvements proposed by the Ten year review a key recommendation, that the secretariat be provided by a body external to Welsh Government, would not be addressed.

Costs to the Welsh Government, the Panel and local government.

Option 1 would introduce no additional costs.

## **Benefits**

Benefits to the Welsh Government, the Panel and local government.

Option 1 would introduce no additional benefits.

Option 2 - Transfer of functions from the Independent Remuneration Panel for Wales (the Panel) to the Commission and the dissolution of the IRP

## **Description**

### **Option 2**

Option 2 would see Part 8 of the Local Government (Wales) Measure 2011 (the Measure) repealed. The Panel's functions (and its functions in relation to

voluntary mergers and other restructuring set out in the Local Government and Elections (Wales) Act 2021) would be incorporated into the Commission's functions and operating arrangements as currently set out in the Local Government (Democracy)(Wales) Act 2013 (the 2013 Act).

In terms of membership 2, Schedule 2 of the Local Government (Wales) Measure 2011 (the Measure) currently provides that the Panel consists of not fewer than 3, and not more than 7, members appointed by the Welsh Ministers. There are currently 5 members of the Panel, including the Chair. The Commission currently has 5 members. In line with the current guidance, members of the Commission and the Panel are remunerated at different levels. It is not intended that the Commission operate on the basis of the combined number of members i.e. 12. Given the overlap of the functions and the ability to effectively programme workloads, it is proposed the Commission operate on the basis of eight members (this is expected to rise to nine on the basis of the functions to transfer to the Commission as a result of Senedd Reform. The costs associated with this will be included in the supporting documents to the Senedd Reform Bill). While the remuneration for members is expected to increase, this will be offset by the reduction in the overall number of members.

### **Costs to the Welsh Government**

Option 2 is not expected to introduce significant costs to the Welsh Government, there are however expected to be some costs associated with the production of guidance to support the Commission and local government. The costs associated with the production of guidance is set out in the table below. The costs are expected to be incurred during 2023-24.

Staff costs	Annual salary plus on costs (£)	Daily cost (£)	Days required	Total (£)
Grade 7	90,165	409	5	2,049
EO	43,219	197	10	983
Lawyer (Grade 7)	90,165	409	5	1,022
Translation (SEO)	70, 507	320	5	1,600
			<b>Total</b>	<b>5,654</b>

### **Costs to the Commission**

Option 2 will require the Commission to revisit its staffing structure to establish the optimum structure to deliver these functions. It is expected the Panel's current annual running budget of £50,000 will transfer to the Commission along with the costs associated with funding equivalent to the cost of the current secretariat support provided by the Welsh Government which is

£80,000. There are also some costs which are borne by the Welsh Government, such as hosting of the Panel's website, translation and other incidental costs. The intention is therefore to provide an additional £10,000 to the Commission to cover these costs.

### **Cost to local government**

Option 2 is not expected to introduce any material, recurrent additional cost to local government.

### **Benefits**

#### **Benefits to the Commission and local government**

Option 2 – In order to determine the appropriate arrangements and levels of remuneration for elected members, the Panel must gather evidence to understand the workload of elected members and how the nature of the workload changes depending on a range of factors. This includes the demographics of the electorate in a council area, the socio-economic circumstances of the wards and the extent to which the population is transient. For example, an area which has a high deprivation index, high unemployment and a high dependency on the welfare system presents different issues for elected members than an area of high affluence, high employment, and high standards of living. These and other differences have an impact on the work of an elected member in an area. It is not that one area needs an elected member, and one does not, it is that the nature of these issues requires different interventions and support. This presents challenges in ensuring the number of elected members in an area is sufficient to meet the needs of the communities they serve.

The Commission sets the ratio of elected members to electors. It does this by attempting to ensure the ratio of elected members to electors is as near the same for all areas within a county/county borough area. It can be argued it is likely that this, essentially numerical exercise is not sufficient to reflect the differences in communities and far from considering the differences in workloads of elected members, it generalises the issues to one of numerical balance regardless of the prevailing circumstances in any or all communities. However, recent experience from the twenty-two electoral reviews tells us this is far from the case and feedback from those processes was that the Commission should be building into its methodology the very same factors mentioned above in relation to the work of the Panel.

Welsh Ministers consider there to be greater opportunity for a more balanced approach to decision making by bringing these functions together.

### **Preferred Option**

Option 1 would retain the status quo. Both organisations would continue to operate separately and miss the opportunities for a holistic approach informing more rounded policies.

Option 2 – would build on the synergies that underpin the full set of functions, capitalise on exploring dependencies between councillors, workload capacity and electoral arrangements. This will lead to more rounded policy. This is the preferred option.

## **10.4 Campaign finance, expenses and political party spending**

To be completed.

We are developing the policy in this area and will set out an assessment of the costs and benefits. In general, the two options will be:

Option 1 – Business as usual

Option 2 – Introduce legislation to replicate the provisions in Part 4 of the Elections Act 2022, where appropriate, for Wales to maintain a single regulatory framework on political finance for reserved and devolved elections in Wales?

Costs and benefits are likely to be similar to those for relevant provisions in Part 4 of the Elections Act 2022 in England, as set out in the Elections Bill Impact Assessment:

<https://bills.parliament.uk/publications/44886/documents/1304>

## **10.5 Electoral Pilots**

### **Background**

In July 2021 we invited all Local Authorities in Wales to submit proposals to pilot different ways of voting, which resulted in four authorities piloting advance voting at the local government elections in May 2022. This has provided useful evidence about how electoral innovations work in practice, as well as identifying areas which would need to be addressed before consideration could be given to any further rollout of advance voting. We are likely to want to test further innovations in electoral administration to respond to lifestyle changes and emerging technologies and will use the evidence provided by the advance voting pilots, Electoral Commission's report and responses from the consultation to consider what innovations should be piloted in the future.

### **Options**

The White Paper seeks views on the types of innovation in electoral administration that should be piloted in the future and how we could facilitate a more varied mix of local authorities participating in future pilots. It also seeks views on a power of direction for Welsh Ministers which would enable them to compel a local authority to pilot electoral innovations.

Options will be developed further following the consultation, but at this stage the general options are:

#### **Option 1 – Business as usual**

Welsh Ministers could continue to approve proposals from local authorities to pilot electoral innovations but would not be able to direct them

#### **Option 2 – Introduce legislation to enable Welsh Ministers to compel a local authority to pilot electoral innovations**

### **Costs and benefits**

#### **Option 1 – Business as usual**

##### **Costs**

No additional costs for the Welsh Government.

Any cost of delivering pilots for future elections would depend on the nature and scale of the pilots and the number of local authorities that brought forward pilot proposals which were approved by Welsh Ministers. For comparison, the cost of the four pilots delivered in May 2022 was around £1.5m.

##### **Benefits**

Piloting different types of innovations could provide valuable evidence to inform future electoral reform, however this benefit would be limited by the number of local authorities bringing forward proposals.

Option 2 – Introduce legislation to enable Welsh Ministers to compel a local authority to pilot electoral innovations

### **Costs**

Costs would likely be higher than Option 1, but would depend on the amount, nature and scale of pilots which Welsh Ministers directed local authorities to undertake.

### **Benefits**

The main benefit of this option would be the ability for the Welsh Government to direct local authorities to undertake pilots, helping to ensure suitable types of innovations could be piloted in a varied mix of local authority areas. This could provide valuable evidence to inform future electoral reform.

### Costs of pilots delivered in May 2022

The table below sets out the costs of the pilot scheme, broken down into the main categories of spend, as provided to Welsh Government by the pilot authorities. The data represents the costs they have incurred directly (such as in relation to some of the IT provision) or have provided to local authorities to fund aspects of the pilot. This gives an indication of potential costs of delivering future pilots of a similar scale and level of complexity.

Type of spend	Cost
Staffing	£54,046
Equipment	£25,297
Building hire, transport and storage	£13,600
Communications	£56,970
EMS	£268,000
Electronic Registers*	£1,093,890
Total	£1,511,803

\* This includes the costs incurred directly by local authorities for ongoing use of software licences plus the additional cost borne directly by Welsh Government for pilot-specific activities.

# 11. Costs and benefits – Chapter 5 of White Paper – Building democratic health

## 11.1 Accessible Voter Information

We want to consider what good voter information looks like and how it is best delivered. We want to consider what measures can be put in place to:

- ensure voters have access to the information they need to confidently take part in elections,
- how this information is best presented and by whom.

We know from research and stakeholder engagement that a lack of information is a barrier to participating in elections and the democratic process more generally. We are seeking feedback through the white paper on what information people would like to have provided and who they think should be responsible for providing this information. Any policy we deliver will be heavily influenced by consultation responses and we will work with key stakeholders to develop options which will likely include an online platform as well as hard copy information to ensure accessibility.

A number of costs could be incurred in the provision of voter information. Responses to the consultation will help shape the type of information and the method of delivery to be explored. However, we can predict that information provision through an online tool is likely to be considered.

### Online model

An online platform similar to [choosemyppcc.org.uk](http://choosemyppcc.org.uk) could be explored alongside provision for making sure hard copy information is provided for those who need or want it. Costs for such a model are being explored, however, we welcome consultation responses to help us identify these costs from those in the sector with relevant experience.

### Hard copy information

For some elections provision is made for the distribution of hard-copy election material to be sent to voters.

- For Senedd elections, the Welsh Government pays for each candidate to send one piece of election material to each registered elector in their constituency. For the 2021 Senedd election, cost of this exercise was around £6.6 million, subject to audit.
- For principal council elections in Wales, the cost of distributing election material to electors falls directly to political parties.
- For Combined Authority mayoral elections in England, there is provision for an election booklet to be posted to all electors (Schedule 5 of The Combined Authorities (Mayoral Elections) Order 2017). Candidates can have their statement in this booklet only after paying a 'reasonable sum' towards the costs of printing it, as determined by the returning officer.

Ahead of the Senedd and PCC elections in May 2021, the Electoral Commission produced and distributed a voter information booklet that was distributed to electors across Wales. The cost of this was £TBC

## **Costs and benefits**

### Option 1 – Business as usual

#### Costs:

Senedd accounts for 2021 show that the cost to provide voter information within the existing provisions cost around £6.6 million, subject to audit. This cost falls to the Welsh Government.

### Option 2 – Legislate to provide a combination of online voter information and a voter information booklet.

#### Costs:

The estimated cost of this model will be investigated through the consultation process, with the final model of voter information being informed by the public and in collaboration with expert stakeholders.

Benefits: A number of benefits could be realised if we legislate to provide better voter information. For example, the provision of a voter information booklet similar to the model used in mayoral elections could provide an opportunity to inform electors not only of candidates standing, but also information on casting their vote, the electoral system being used etc. This could help address and knowledge gap.

---

## **11.2 Improving accessibility of electoral process for underrepresented people**

We want to consider what measures can be put in place to:

- make it easier for disabled people to access information about the electoral process; and,
- how we might remove physical barriers which they face when attempting to cast their vote independently and in secret.

Stakeholders have told us that they would like to have easy access to a reliable, trusted source of electoral information, which takes into account the need for information to be provided in other formats such as easy read. We have also been told that some disabled people - particularly people with learning disabilities and their carers - are not aware they are eligible to vote. Information may be available but is not always easy to access.

We will work with organisations that support disabled people and carers to explore options to improve access to information, encourage voters to register and signpost them to support available which will help them exercise their vote. As part of this work, we will consider information needs in languages other than English and Welsh, and how information can be provided in a convenient, accessible and trusted way – including for voters who cannot or do not wish to access information digitally. We do not anticipate that this will require legislation.

We want to ensure the physical environment in which voting takes place is accessible for all voters, and are working with the Electoral Commission, electoral administrators and other stakeholders to consider whether changes can be made to guidance and training for polling station staff to better support disabled people.

We will also need to consider the equipment made available to disabled voters at polling stations during devolved elections in the light of the Elections Act 2022. This Act amended Schedule 1 of the Representation of the People Act 1983, which previously required Returning Officers at reserved elections to provide each polling station with a device for voters with sight loss. And replaced it with a new broader requirement to provide such equipment as is reasonable for the purposes of enabling or making it easier for disabled people to vote independently.

We will also consider changes to electoral legislation to ensure devolved elections can be administered in a manner that is accessible for all, while also safeguarding the integrity of the elections. Our ongoing conversations with stakeholders and other governments in the UK have identified innovations which could be used to help disabled people vote whilst also protecting their right to cast their vote in secret. This will include further stakeholder engagement and consideration how an amendment to the Representation of the People Act, similar to that in the Elections Act 2022, could best operate.

Consultation will help establish whether we introduce legislation mirroring the provisions made in the Elections Act 2022 with regard to the equipment made available to disabled voters at polling stations during devolved elections or whether we take a different approach.

### **Costs**

The White Paper seeks views on the type of support which should be set in place to help disabled people to vote independently and in secret at devolved elections. It also seeks views on whether the provision of specific pieces of equipment should be mandatory. At this stage it is not possible to provide an estimate of the costs involved.

Subject to the outcome of consultation, detailed estimates of costs will be provided.

### **Benefits**

The principal benefit is that with the appropriate support in place, barriers will be removed which might currently prevent disabled people from voting independently and in secret. This is entirely in line with the Welsh Government's use of the social model of disability tells us that individuals may have an impairment or difference, but it is society that disables them by the obstacles we put in their way. Using the Social Model requires that barriers are removed so that disabled people are able to participate fully.

### **11.3 Strengthening of the Undue Influence Electoral Offence**

Undue influence is where an individual seeks to apply pressure to force an elector to not vote or vote in a way they would not have done if pressure had not been applied.

The electoral offence of undue influence in relation to local government elections in Wales is defined in section 115 of the Representation of the People Act 1983 (RPA 83) and, in relation to Senedd elections, in Article 81 of the National Assembly for Wales (Representation of the People) Order 2007. It is one of the classic electoral offences, alongside bribery and treating.

In 2016, in its review of electoral law, the Electoral Commission recommended the offence should be redrafted and modernised. Sir Eric Pickles in his report *Securing the Ballot* advised the offence of undue influence in respect of electors should be strengthened. In 2018, the UK Government launched the consultation '*Protecting the Debate: Intimidation, influence and information*' asking whether the offence should be redrafted and what it should cover.

Work was subsequently taken forward by the UK Government to strengthen and modernise the language of the offence with amended provisions added to the Elections Act 2022. Following requests from Welsh Ministers, provisions on undue influence for devolved elections were carved out in respect of this particular provision of the Act allowing for Welsh Ministers and the Senedd to consider the appropriate solution for devolved elections.

The Elections Act 2022 definition of the offence in respect of reserved elections is particularly strengthened in regard to damage to a person's reputation and intent. The previous definition, where there was more of a focus on physical harm, did not exclude reputational damage specifically but in the new definition there is equal provision given to those less tangible but perhaps equally harmful damages that people can experience.

The new definition is further improved by clarifying the importance of 'intent' in the commission of the offence. The phrase "for the purpose of" in new section outlining the elements of the offence, demonstrates that the intent of the person carrying out the activity is key. To be guilty of undue influence it is enough to establish an intent to unduly influence a person, even if the activity was not actually successful in this regard.

Officials have considered the strengthened language describing the offence of undue influence (now included in section 114A of RPA 83 for reserved elections) and propose replicating the changes made by the Elections Act 2022 so that they apply to devolved elections.

## **Costs and benefits**

### Option 1 –

Business as usual

**Costs/Benefits:** No monetised costs or benefits expected.

### Option 2 –

Introduce legislation to strengthen and modernise the definition of the electoral offence of Undue Influence provided by section 114A of the Representation of the People Act 1983 for devolved elections.

These changes will bring the legislative language of the offence in line with the changes made by the UK Government made within the Elections Act 2022.

#### **Costs:**

##### **Increased monitoring and enforcement costs**

Clarifying the law on undue influence will make it clearer when the corrupt practice has occurred. This will make it easier to monitor and enforce through preventative action on the ground such as through briefing sessions for candidates organised by Returning Officers which are attended by representatives of the local police force; there may be an increase in costs for the police, courts system and the prosecutors as a result, however the number of elections and/or LA areas where such enforcement would be required is low (see page 8 for table of estimated cases per annum).

Clearer legislation may also lead to more election petitions challenging the election results as well as successful prosecutions of instances of undue influence as it will become easier to understand when the corrupt practice has occurred.

These costs have not been monetised as there is no data on how much relevant bodies spend on monitoring and enforcement, relating to undue influence. Similarly, there is no data to indicate how many additional prosecutions there will be as we do not know how many allegations / election petitions would have led to further action, had the law been clearer at the time.

#### **Benefits:**

##### **Reduced undue influence on electors**

Strengthening legislation around undue influence will likely reduce the incidence of elector intimidation. The strengthened legislation will clarify what

is classed as undue influence, which aims to make instances of this corrupt practice easier to take action against or prosecute and will likely deter people from seeking to unduly influence electors.

### **Better political participation**

Lower incidence of undue influence and intimidation of electors may increase turnout, as people are likely to feel more comfortable to freely vote and participate in elections.

## **11.4 Access to Elected Office Fund**

### **Background**

Creating a more equal Wales, where everyone has the opportunity to participate, reach their full potential and is able to contribute fully to the economy, will enable Wales to be more prosperous and innovative. The Welsh Government is committed to increasing diversity across all aspects of public life. This includes tackling the barriers which prevent individuals' active participation in local democracy through standing for elected office.

Disabled people are likely to face greater costs when seeking elected office due to their impairments. A pilot Access to Elected Office fund was established to provide additional support to disabled people to seek elected office. The pilot fund supported individuals seeking election in the May 2021 Senedd elections and the May 2022 local government elections. Because of changes made to the rules about spending limits for candidates, the funding provided through the pilot did not count towards the candidates' spending limits. As part of the approach a number of Access to Politics events were hosted to provide awareness about the support available and the timescales for applications.

The pilot fund which was delivered by Disability Wales and financed by the Welsh Government paid for practical support to allow disabled people to fully participate in the political process. The pilot attracted 21 applicants, with six elected to community councils. An evaluation of the fund to inform future arrangements is planned.

In line with our Programme for Government commitment to extend the Fund to support for candidates from other underrepresented groups, the intention is to legislate to require the Welsh Ministers to maintain an 'Access to Elected Office Fund' which is available for all devolved Welsh ordinary and by elections, with detailed arrangements to be set out in regulations. The detailed arrangements to be developed in conjunction with stakeholders and interested parties.

### **Options**

Option 1 – Business as usual

Option 2 – Legislate to require Welsh Ministers to establish and maintain an Access to Elected Office Fund

### **Option 1 – Business as usual**

There is no legal requirement for a fund to be established and maintained to support underrepresented groups. Whether or not there is a fund in the future would be left to individual ministers to decide, creating uncertainty within underrepresented communities about whether support will be available when needed.

## Costs

Option 1 – The budget allocated for the operation and management of the pilot fund, which included Senedd, principal, and community and town councils was:

- 2020-2021 - Preparation for fund - £50,000  
2020 – 2021 – Management and allocation - £30,000
- 2021-2022 - Management and allocation - £86,000
- 2022-2023 - Wind up and review of fund - £20,000

It was not possible to determine how much funding would be required for third party recipient awards as this would depend on the number of applicants and the level of support required by each individual. An initial £120,000 was set aside for this purpose, which in the case of the local government pilot was in excess of what was required.

In respect of establishing a non-legislative future fund, which could support the individuals protected from all underrepresented groups, costs would be expected to be at least at the level of those indicated above but would depend on the detailed arrangements to support each underrepresented group. It is not possible to define costs at this stage, as they would be developed in collaboration with partners and interested parties.

## Benefits

Option 1 would allow work to be continued in terms of establishing approaches to support individuals from underrepresented groups to stand for election in future local government elections. However, this would not be put on a legislative footing, individuals would not have assurance that assistance would be available for future elections. This uncertainty could impact on the numbers of candidates coming forward from under-represented groups.

## Option 2 - Legislate to require Welsh Ministers to establish and maintain an Access to Elected Office Fund

### Description

This option would place a duty on the Welsh Ministers to establish and maintain an Access to Office Fund, with details to be set out in regulations. This would enable different sets of regulations to be made to support arrangements for underrepresented groups based on the particular needs of those groups. The arrangements would be developed in collaboration with partners and interested parties and would provide assurance to individuals that support would be available to assist them to stand for election. This would shift the debate to focus on detailed interventions.

## Costs

There are no costs introduced through a power to require Welsh Ministers to establish and maintain a fund. Any costs would arise from the arrangements put in place through regulations to support specific underrepresented groups. Supporting documentation to regulations would set out the associated costs. However, as an example, the costs and comments set out for Option 1 are likely to be similar to establishing arrangements to support disabled people to stand for election, as one strand of any new arrangements.

### Benefits

This option will provide a firm legal foundation upon which to build a series of arrangements to support underrepresented people to stand for election. As with costs, the benefits of any future arrangements will be set out when regulations are made.

### **Preferred option**

Option 1 while enabling work to continue to identify support arrangements, it will not provide the assurance individuals need that support will be available when needed.

Option 2 provides the comfort and certainty arrangements will be in place to support, individuals, that it will be codified and partners and interested parties will be part of the development of future arrangements. Option 2 is the preferred option.

## **11.5 Local government candidate survey**

### **Background**

The membership of Welsh local authorities does not currently reflect the communities it serves. The Welsh Government has introduced a number of initiatives to encourage people from underrepresented groups to consider standing for election. The survey is intended to help build a picture of the characteristics of those standing for and being elected to local authorities and help develop policy in this area.

Part 1 of the Local Government (Wales) Measure 2011 introduced a duty on local authorities to monitor the equality and diversity of candidates in ordinary elections to principal and town and community councils. Section 1(1) and (2) provide that in accordance with regulations a local authority must conduct a survey of councillors and unsuccessful candidates at ordinary elections to a county or county borough and to a town and community council.

Section 1 (3)(a) and (b) provide that the questions asked, the manner in which they are asked and how the information is collated is as prescribed in regulations.

Section 1(4) sets out the fields of questions which may be asked in the survey. The fields are - gender, sexual orientation, language, race, age, disability, religion or belief, health, education or qualification, employment and work as a councillor.

The questions and form of the survey are prescribed in the Local Election Survey (Wales) Regulations 2012 (“the 2012 Regulations”). These were amended by the Local Election Survey (Wales) (Amendment) Regulations 2016 and more recently The Local Election Survey (Wales) (Amendment) Regulations 2022.

This is an important survey, but often it competes for attention with other surveys from local authorities and the Electoral Commission, which taken together can be a source of survey fatigue. One way of reducing the number of surveys is to approach the candidate survey in two parts, specifying a core set of questions and enabling local authorities to add a limited number of questions in respect of local matters.

Welsh Ministers want to retain an all-Wales approach to the survey but propose to remove the requirement for the survey to be prescribed within the regulations. This would allow greater flexibility for the survey to be taken forward on a national basis, with core questions for all local authorities and the flexibility for local questions to be asked.

### **Options**

Two options have been considered:

Option 1 – Business as usual

Option 2 – Remove the need to prescribe the form and questions of the survey within regulations.

### **Option 1 – Business as usual**

#### **Description**

Option 1 would introduce no change. The form and questions for the review would continue to be prescribed through regulations, with new regulations required for any change in questions and form for each ordinary election.

#### **Costs**

Costs to Welsh Government and local government

Option 1 would introduce no additional costs

#### **Benefits**

Option 1 would introduce no additional benefits

### **Option 2 - Remove the need to prescribe the form and questions of the survey within regulations.**

#### **Description**

Option 2 would remove the requirement for the form of the survey and the questions to be prescribed in regulations and as a result the need to make new regulations in advance of each ordinary election, which has been the experience to date.

A process involving co-operation between principal councils, community and town councils, the electoral Commission, Welsh Local Government Association, One Voice Wales and equality groups would be established in advance of each ordinary election to consider the form of the survey and the questions to be asked. Ministers would be able to amend / add / remove questions before final approval of the survey.

#### **Costs**

##### **Costs to Welsh Government**

There would be no additional costs to Welsh Government as the practice has been to establish a group of partners to discuss changes to the survey and for Minister's to consider the proposed questions in advance of making new regulations. There will be opportunity cost savings as a result of not needing to make regulations.

## **Costs to local government**

This option would introduce no additional costs as the duty placed on local authorities to conduct a survey will remain. While each local authority is free to conduct its own survey, for the last two surveys the Welsh Ministers have agreed to fund Data Cymru directly to undertake the survey on behalf of all local authorities. A similar option is expected to be available in the future.

## **Benefits**

Option 2 will provide flexibility for both national and local questions to be asked within a single survey and potentially reduce the number of surveys issued to candidates to complete. It is hoped that this will increase the response rate and as a result provide a greater level of information about candidates to assess whether both national and local initiatives to encourage people from underrepresented groups to consider standing for election is having an impact. The information captured will also help inform future policy in this area.

## Preferred Option

Option 1 maintains the status quo, will continue to require new regulations to be made in advance of each ordinary election without allowing for flexibility for local questions.

Option 2 – would remove the requirement for new regulations to be made in advance of each ordinary election, would allow flexibility to have national core questions and local questions. Option 2 is the preferred option

## **12. Costs and benefits – Chapter 6 of the White Paper – Modernising Welsh elections**

### **12.1 Flexible Voting**

#### **Background**

In May 2022, as part of four pilot schemes delivered in respect of the local government elections, voters in Blaenau Gwent, Bridgend, Caerphilly and Torfaen were given the opportunity to vote in advance of polling day and had additional flexibility over where they voted. The Electoral Commission published its report on these schemes on 2nd August 2022.

The Electoral Commission found that the pilots were well run and that there were no notable issues on either the advance voting days or polling day. Voters were satisfied with their experience of voting early and welcomed the flexibility and additional choice it afforded them. However, the opportunity to vote early did not increase voter turnout in the areas trialling the pilot schemes. The Electoral Commission concluded that this was not unexpected as people's decision to vote is driven by several factors. The Electoral Commission was unable to judge from the evidence of the pilots what impact advance voting, if introduced more widely, would have on voter turnout over time and was clear that further work would be needed to develop any future policy and supporting administrative structure before a decision could be taken on whether advance voting should be rolled out more widely. We are consulting on this and will make decisions on wider roll out when we know stakeholders' views.

#### **Options**

We will develop the options further following the consultation, but in broad terms, the options are:

- Option 1 – Business as usual – continue current arrangements for location and time of voting
- Option 2 – Introduce legislation to enable advance voting and/or voting in a range of venues

#### **Costs and benefits**

Option 1 – Business as usual – continue current arrangements for location and time of voting

##### **Costs**

No additional costs

##### **Benefits**

One benefit would be simplicity for electoral administrators in terms of continuing to implement current arrangements.

## Option 2 – Introduce legislation to enable advance voting and/or voting in a range of venues

### **Costs**

We will assess the costs as the options are further developed following the consultation. For comparison, the cost of the four pilots undertaken in May 2022 was around £1.5m. However, it is difficult to draw clear conclusions from these figures about the eventual cost of any wider roll out. This is for several reasons - Local authorities have taken varying approaches to how they have recorded costs (e.g. whether core team staff costs are included, which pieces of equipment are being charged for), pilots will attract development costs that may not apply in the same way or at all for a roll out, the local authority areas involved are not representative of all areas, some future costs may be missing from the pilot (e.g. national public awareness campaigns), there may be economies of scale to be realised nationally, despite the increase in costs that would follow from taking forward the policy in more areas.

The costs of the pilots cannot be taken as a clear indication of the likely costs of any future roll out of advance voting. However, particularly given the low turnout among early voters, it is important that any decisions about wider rollout are informed by an assessment of the costs and benefits of wider implementation, including the use of electronic registers to support advance voting, which was the largest area of additional costs in the pilots.

### **Benefits**

We will assess the benefits as we develop the options further. As set out above, the Electoral Commission concluded that further work is needed to determine the impacts of rolling out flexible voting more widely. Early evaluation shows that while people welcomed the additional flexibility there was no improvement in turnout.

## **12.2 Postal Vote Ballot Tracking**

The White Paper seeks stakeholder views on the establishment of an electronic postal vote tracking system. The principal objectives of a tracking system are to increase public confidence in the postal voting process and to provide a mechanism for Electoral Administrators to be able to address errors in Postal Vote Statements to reduce the number of rejected ballots.

Two options have been considered in developing this policy:

- Option 1: Business as usual; and
- Option 2: The introduction of a postal vote e-tracking system that would allow for the processing of incoming Postal Vote Statements and provides a mechanism to notify electors of errors so that corrections can be made in time to ensure that their postal votes are counted.

### **Option 1: Business as usual**

This option would continue the current postal vote tracking arrangements which do not provide a way for Electoral Administrators to identify and correct errors on postal ballots prior to the election.

#### **Benefits**

This option would not deliver any additional benefits.

#### **Costs**

##### ***Cost to local government and Welsh Government***

Option 1 would introduce no additional costs to local authorities or the Welsh Government as it would continue current arrangements.

### **Option 2: The introduction of an electronic postal vote tracking system**

This option would introduce a postal vote e-tracking system that would allow for the processing of incoming Postal Vote Statements and provide a mechanism for Electoral Administrators to notify electors of errors so that corrections can be made in time to ensure that their postal votes are counted. There is also potential scope for the system to include functionality that allows voters to check the progress of their postal ballots by accessing an online resource hosted on the local authority's website.

The White Paper seeks stakeholder views on the introduction of this type of electronic system and responses will help to inform future development. While it is not yet known what the system would look like in practice, its initial form might involve only a simple delivery and error notification system whereby Electoral Administrators issue a letter to voters to notify them of errors on their ballot statements and voters are given the opportunity to

correct them via a pre-paid return postal arrangement. In effect, this would introduce an additional stage into the postal voting process. During this additional stage, Electoral Administrators would issue a letter to voters notifying them of an error on their postal ballots and inviting them to correct and resubmit a revised version. Revised ballots would be returned by voters using a pre-paid envelope that was included in the original error notification letter issued by Electoral Administrators.

We note, however, that aspects of the system may change based on the feedback received from stakeholders.

## **Benefits**

Option 2 would reduce the number of postal ballots rejected by providing a mechanism for voters to correct errors in their postal vote statements in time for their votes to be counted. Under current arrangements, voters are usually only informed that their vote has not been counted after the election has concluded. This option would also have benefits in terms of raising public confidence in the reliability of the postal voting process.

## **Costs**

### ***Cost to local government and Welsh Government***

It is not possible to quantify the actual costs associated with option 2 at this point in time. Costs will be dependent on the type of tracking system, if any, that is adopted. However, it is likely that the introduction of a postal vote tracking system will incur some additional costs to local authorities. We anticipate that this would include additional costs associated with:

- the scanning of postal vote statements;
- the mailing and return of postal ballots where errors have been identified;
- hosting an online system that allows voters to check the progress of their postal votes; and
- staff resource needed to operate the system.

## **13. Costs and benefits – Chapter 7 of the White Paper – Improving our democracy**

### **13.1 Changes to the disqualification regime for Local Councillors from also serving as Members of the Senedd**

We are considering whether to make changes to the current disqualification regime for election to the Senedd, in particular -

- a) disqualifying town and community councillors in Wales from serving as Members of the Senedd, bringing arrangements into line with the disqualification regime for principal council members in Wales.**

Legislation is required to make this change. Two options have been identified:

#### Option 1 – Business as usual

This option would not change the status quo.

#### Option 2 – Introduce legislation to implement the change

This could be achieved via two routes:

- Amend the existing provisions in sections 16(1)(zc) and 17D of the Government of Wales Act 2006 (GoWA) so that they apply to all councillors (principal councillors and town and community councillors) or introducing new provisions to disqualify town and community councillors on the same basis.
- Amend the Schedule in the Senedd Cymru (Disqualification) 2020 Order which describes certain the offices and disqualifies the holders of those offices from being Members of the Senedd to include members of town and community councils.

The first route is the preferred option because it would ensure consistency with the treatment of principal councillors and would be achieved through the Senedd's scrutiny of primary legislation.

### **Costs and benefits**

#### Option 1 – Business as usual

No additional costs or benefits identified

#### Option 2 – Introduce legislation to implement the change (preferred option)

##### Costs

There would be administrative costs for the Welsh Government for any legislation taken forward to implement this change.

There could potentially be other costs to implement the proposed changes, for example in relation to awareness raising. These potential costs have not been

calculated.

### Benefits

We have not identified any quantified benefits.

The proposed changes to the current disqualification regime for local councillors in Wales would benefit local democracy in Wales by making the election process more equitable. This would bring parity in arrangements for Town and Community Councillors and Principal Councillors. This would address concerns that have been raised about time commitments of holding dual posts and potential conflicts of interest. This is because the Senedd has a key role in matters impacting on community and town councils. It is also clear that a community or town councillor who is also a Senedd member would have far greater access to decision making that impacts on community and town councils than councillors who are not members of the Senedd.

#### **b) The potential removal of the existing “grace period” for all principal councillors elected to the Senedd, and for the Members of the Senedd elected as principal councillors.**

Legislation is required to make these changes. Two options have been identified

##### **Option 1 – Business as usual**

This option would not change the status quo.

##### **Option 2 – Introduce legislation to remove the grace period**

Remove the existing grace periods in sections 17E and 17F of GoWA

### **Costs and benefits**

##### **Option 1 – Business as usual**

No additional costs or benefits identified

##### **Option 2 – Introduce legislation to remove the grace period**

###### Costs

Costs would be the same as for part a).

Also, there could potentially be cost savings in terms of Councils no longer needing to remunerate councillors for the “grace period”. These potential costs and benefits have not been calculated.

###### Benefits

The benefits would be the same as for part a).

Removing the grace period would ensure that the potential benefits could be

realised immediately, rather than after the grace period. Also, removing the grace period would remove the privileged position some principal councillors may have whereby they donate their council remuneration to local charities of their choice. This may be viewed as at best inequitable and at worst buying support.

## 14. Impact Assessments

We have prepared a draft Integrated Impact Assessment to support the White Paper consultation. The intention is to publish this alongside the consultation to set out our initial assessment and to seek additional and alternative information to support the ongoing assessment of impacts as we develop proposals, following the consultation.

A summary of the main impacts identified in the Integrated Impact Assessment is as follows:

The most significant positive impacts of the proposals broadly fit into the following key themes:

- making democracy and voting more accessible to all members of our society and encouraging active participation in democratic life in Wales
- helping people become more active, engaged citizens and in doing so contribute to better socio-economic outcomes
- modernising the administration of elections in Wales
- improving the use of technology to make it easier for voters and candidates to participate in democracy

The most significant negative impacts will be administrative and compliance costs, particularly for the Welsh Government and local authorities. The Welsh Government will fund any additional costs for local authorities resulting from new legislation taken forward from the White Paper.

### The seven wellbeing goals

The overall aim to improve democracy and address the democratic deficit and many specific proposals within the White Paper are clearly aligned with four of the seven wellbeing goals:

- A prosperous Wales – For example the creation of a small number of jobs through the Electoral Management Board and alignment with aims of the new national curriculum, in particular helping learners to consider the impact of their actions when exercising their democratic rights and responsibilities. Also developing learners as self-aware, informed, ethical global citizens.
- A more equal Wales – For example proposals to improve accessibility and diversity, both for voters and for candidates
- A Wales of Cohesive communities - Many of the proposals will support improved participation in democracy and people's engagement with their local communities
- A Wales of vibrant culture and thriving Welsh language – including consideration of Welsh language requirements for Returning Officers at elections

The Integrated Impact Assessment includes assessment of the impacts of the proposals on:

- social well-being

- cultural well-being and the Welsh language
- economic well-being
- environmental well-being
- Socio-economic disadvantage

We expect to carry out the following full specific impact assessments for any legislation taken forward from the White Paper:

- Children's rights
- Equality
- Socio-economic Duty
- Rural Proofing
- Privacy
- Welsh Language
- Economic / RIA
- Justice
- Biodiversity

We will complete a full Competition Assessment for any legislation taken forward from the White Paper consultation.

## **15. Post implementation review**

The Welsh Government will work closely with all key stakeholders to design and develop a post implementation review, as legislation is developed, following the White Paper consultation. This will be informed by the approach taken to reviewing the implementation of other recent electoral legislation, such as the Local Government and Elections (Wales) Act 2021.