

WELSH GOVERNMENT

INTEGRATED IMPACT ASSESSMENT

Title of proposal:	Elections and Elected Bodies (Wales) Bill
Official(s) completing the Integrated Impact Assessment (name(s) and name of team):	Sarah Wymer Elections Division
Department:	Covid Recovery & Local Government Group
Head of Division/SRO (name):	Michael Kay
Cabinet Secretary/Minister responsible:	Counsel General & Minister for the Constitution Minister for Finance & Local Government

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SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

The Elections and Elected Bodies (Wales) Bill (“the Bill”) will help deliver proposals to modernise electoral administration for Senedd and local elections in Wales (“Welsh elections”) set out in the White Paper on Electoral Administration and Reform published in October 2022. It will help deliver the Programme for Government commitment to reform local government elections to reduce the democratic deficit.

The Bill will make provision to drive up participation in Welsh elections and improve accessibility for disabled people, require automatic registration of voters subject to successful piloting, strengthen the offence of undue influence and establish an Electoral Management Board to strengthen electoral administration. The Bill will also provide for the reform of the processes for conducting electoral and community reviews of local areas, abolish the Independent Remuneration Panel for Wales and confer the remuneration functions formerly undertaken by the Panel, on the Democracy and Boundary Commission Cymru.

Our electoral reform package drives our long-term ambition to increase voter participation and ensure that every citizen is able to play their full part in our democracy. Our policies build on achievements delivered in the fifth Senedd where the franchise was extended to 16 and 17-year-olds and qualifying foreign citizens in Wales, and the work to deliver a set of electoral innovations at the local elections in May 2022 testing ways of improving participation in the electoral process.

Initial policy development was informed by the achievements outlined above and our framework for Electoral Reform published in July 2021. At the heart of the framework are the six principles for electoral reform which are used to benchmark our proposals – equity, accessibility, participation, improving citizen experience, simplicity and integrity. Policy has been further developed through an active and ongoing programme of engagement with, and through electoral stakeholders and a formal consultation under the White Paper on Electoral Administration and Reform, published in October 2022 and consulted on to January 2023 (“the White Paper”).

1.1 Well-being of Future Generations (Wales) Act

There is clear alignment between the Bill and the five ways of working as set out in the Well-being of Future Generations (Wales) Act 2015 (“the Future Generations Act”).

1.2 Long term

The Bill is another step in our long term ambition for electoral reform building on work delivered in the last Senedd. Many of the Bill provisions, together with other proposals in the White Paper which will be delivered through other legislative and non legislative vehicles, will be in place for

the next set of Welsh elections in 2026 and 2027. Others require further work and are more likely to be considered in the next Senedd. Examples of our longer-term ambitions include:

- Consolidating electoral law (including restating the franchise) in one bilingual act.
- Updating EU citizens' franchise to reflect their status post EU exit.
- Enfranchising some prisoners in Wales.
- Flexibility to enable people to vote at different times and locations.
- Electronic voting.

1.3 Prevention

The Bill will support social-community cohesion by enabling more people to participate in democracy as voters and candidates for electoral office. By strengthening democratic health, we will help reduce the democratic deficit and reduce inequalities in democratic participation. By strengthening the administration of elections, we will help ensure the resilience of their delivery in the future.

1.4 Integration

The Bill and the wider reform package will help deliver the Programme for Government commitment to reform local government elections to reduce the democratic deficit. It will also help make improvements to Senedd elections. The Bill has been developed alongside the Senedd Cymru (Members and Elections) Bill to ensure the provisions of both bills work effectively together.

The Bill will help deliver a more equal Wales and a Wales of cohesive communities through provisions making it easier to register to vote and to vote, improving accessibility for disabled voters, and improving diversity within the Senedd and local government.

1.5 Collaboration

We have worked closely across Government and with the electoral community including local authorities, the Association of Electoral Administrators, the Electoral Commission, other UK governments and third sector organisations to develop our proposals for electoral reform.

1.6 Involvement

The Welsh Government has discussed and consulted on a range of options for delivering electoral reform since Welsh elections were devolved to Wales through the Wales Act 2017. During the fifth Senedd, an initial consultation Electoral Reform in Local Government in Wales took place between July and October 2017 and contributed to the Local Government and Elections (Wales) Act 2021, which extended the electoral franchise to 16 and 17 year olds and qualifying foreign citizens legally resident in Wales.

In July 2021, the Counsel General and Minister for the Constitution published a framework of electoral reform and electoral innovation pilots were conducted in the local government elections in 2022. In October 2022, through the White Paper we consulted on a series of major proposals to reform and modernise elections and electoral administration in Wales. Consultation on the White Paper, which was published in easy read, youth-friendly and British Sign Language versions, ran for 12 weeks. A summary report of that consultation was published, and the Counsel General confirmed his intention to legislate on electoral reform in an Oral Statement to Plenary in May 2023. Respondents to our consultation expressed broad support for our ambitions set out in the White Paper and we will continue to work with stakeholders throughout this Senedd term to deliver that reform.

1.7 Impact

The Bill will deliver the Programme for Government commitment to reform local government elections to reduce the democratic deficit. It supports the Future Generations Act goal of a more equal Wales, will help make democracy and voting more accessible to all members of society and encourage active participation in democratic life in Wales. Our reforms will help people become more actively engaged citizens and in doing so, they will become more able to contribute to the delivery of better socio-economic outcomes.

1.8 Costs and Savings

Estimated costs and savings were set out in in the draft Regulatory Impact Assessment (“RIA”) published with the White Paper and a final RIA is published with the Bill.

1.9 Mechanism

The Bill makes provision, where primary legislation is necessary, to deliver proposals set out in the White Paper. Where primary legislation is not required proposals will be delivered through existing legislative or administrative vehicles.

SECTION 8. CONCLUSION

8.1 How have people most likely to be affected by the proposal been involved in developing it?

The Welsh Government has engaged and consulted with stakeholders on a range of options for reforming elections in Wales since 2017 including through two White Papers on electoral reform in 2017 and 2022. The provisions of this Bill have been informed and shaped by our consultations, ongoing stakeholder engagement through established elections working groups and with groups and individuals interested in specific policies.

Our most recent consultation was published in October 2022 with Youth Friendly, Easy Read and British Sign Language versions published alongside the main document. During the formal consultation period ten engagement events were held with key stakeholders, including Returning Officers, Electoral Services Managers, and the Local Democracy and Boundary Commission for Wales to seek views from stakeholders and test the practical application of the proposals contained within the consultation. Respondents expressed broad support for our ambitions. Most common concerns raised related to value for money, local authority capacity to deliver and the need to carefully manage differences between Welsh elections and reserved elections.

As we prepare for implementation, we will continue to meet regularly with stakeholders most impacted by the Bill and will use their invaluable insight to help develop our policies and prepare for implementation, which has helped to inform the proposals.

8.2 What are the most significant impacts, positive and negative?

People and Communities

The Bill will have a positive impact on people and communities through measures making it easier to vote and enable citizens to play their full part in our democracy, and measures aimed at increasing the diversity of candidates standing for elected office. In preparing the Bill we have been guided by the six principles for electoral reform which reflect how a resilient electoral system is part of our efforts to improve outcomes for all people including the National Goals of the Future Generations Act.

Children's Rights

Measures to improve participation in the electoral process will have a positive impact on children's rights, building on the extension of the franchise to 16 and 17 year olds in the last Senedd. Our policies will help foster a greater interest and understanding of democracy, making it

easier to vote at Welsh elections, and will provide opportunities for young people to tell elected members what they think should happen, have their views and interests taken into account and have their rights respected, protected and fulfilled.

Equality

All people in Wales will benefit from the Bill. Equality forms part of our framework for electoral reform which has been used to benchmark our proposals through the principles of equity, accessibility, participation and improving citizen's experience. We have not identified any negative impacts on people with protected characteristics. We use the Social Model of Disability to design our policies.

Rural Proofing

We have not identified any significant impacts on rural areas.

Privacy

We have identified privacy impacts of provisions related to registration without application and the monitoring of equality and diversity of candidates seeking election to principal and town community councils. Data Protection Impact Assessments will be completed where required when we prepare the secondary legislation.

Welsh language

We have not identified any significant impacts on the Welsh language. The Electoral Commission guidance for Returning Officers about the use of the Welsh language is clear that Returning Officers must have regard to the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011, which require services in Wales to be delivered equally in English and in Welsh. The Welsh Government believes that providing more electoral services in Welsh will positively impact on the Welsh language. As we develop and implement our proposals for electoral reform we will work closely with the Welsh Language Commissioner, the Electoral Commission and the new Electoral Management Board to ensure the Welsh language is treated no less favourably than the English language.

Economic well-being

The economic impacts, costs and benefits of the Bill have been published in the RIA.

Business, the general public and individuals

There will be a positive impact for individuals through measures to improve accessibility and make it easier to vote in Welsh elections, strengthening the offence of undue influence, and diversity measures to support those standing for elected office. We have not identified any impacts for businesses.

Public Sector including local government and other public bodies

There will be significant impacts for local authorities who are responsible for the delivery of elections. We are mindful of their concerns about cost, their capacity and the need to carefully manage differences between Welsh and reserved elections. The new Electoral Management Board will have a positive impact on local authorities through improved coordination of elections, greater collaboration between key partners and through peer support for administrators and practical advice on the implementation of guidance and legislation. We will work with local authorities to support them to deliver these changes and provide information to help voters understand registration and voting practices for all types of election.

There will be an impact on the Independent Remuneration Panel for Wales which will be dissolved and the Democracy and Boundary Commission Cymru which will take on new functions. The Electoral Commission will take on some small additional responsibilities. We will work with all bodies to ensure a smooth transition to the new arrangements.

Justice

We have assessed the Bill will have no, or negligible potential impact on the justice system. It introduces one new offence and amends an existing offence. A new offence for breaching campaign finance rules has been created as part of new provisions which will regulate how third parties may incur controlled expenditure during a regulated period for standalone Senedd elections. The definition of the electoral offence of Undue Influence for Welsh elections has been changed. Both offences replicate offences introduced in the Elections Act 2022. A statutory Justice Impact Assessment has been completed and the Ministry of Justice consulted.

Specific impact assessments

The following specific impact assessments have been completed:

- Children's rights
- Equality
- Welsh Language
- Economic / Regulatory Impact Assessment
- Justice

The Regulatory and Welsh Language Impact Assessments have been published and the others can be provided on request.

8.3 In light of the impacts identified, how will the proposals:

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**

- **avoid, reduce or mitigate any negative impacts?**

There is clear alignment between the Bill and the five ways of working in the Future Generations Act. Our approach is outlined in section 1. In developing our proposals, we have given full consideration to the seven well-being goals. We have identified that the Bill will have a positive impact in achieving the Act's goals of a more equal Wales and a Wales made up of cohesive communities.

We will continue to work with stakeholders to identify potential negative impacts and agree actions to mitigate impacts.

8.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?

As we prepare for implementation, we will work with key stakeholders to agree how impacts will be monitored and evaluated including timing and methodology for the post implementation review. Evidence provided by the Electoral Commission's statutory reports on elections which will be published within six months of Welsh elections in 2026 and 2027 and will form a key part of the approach to monitoring and evaluation.

SECTION 9. DECLARATION

Declaration

I am satisfied that the impact of the proposed action has been adequately assessed and recorded.

Name of Senior Responsible Officer / Deputy Director:

Michael Kay

Elections Division

Department:

Covid Recovery & Local Government Group

Date:

05/09/2023