



Llywodraeth Cymru
Welsh Government

REPORT

Report of the work of the Elections Planning Group: September 2020

Report on the impact of the coronavirus pandemic on the administration of the 2021 Senedd elections.

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Introduction

The Elections Planning Group was established by the First Minister in June 2020, comprising key stakeholders and Welsh Government officials (Annex 1), to consider the impact of the coronavirus pandemic on the administration of the 2021 Senedd elections. In particular, the group considered whether, given the running of elections is tightly prescribed in legislation, any adjustments needed to be made to the legislation to enable the election to be held safely, focusing on health and wellbeing of all those involved in the elections and the integrity of the election.

The group met on 5 occasions to discuss potential changes that might be required in order to maximise democratic participation whilst also protecting public health.

Following the postponement of the Police and Crime Commissioner elections from May 2020, these are now due to take place on the same date as the Senedd elections (6 May 2021). Differences in the franchise for those elections would result in added complexity for administering the elections on the same day and coronavirus considerations increase this complexity further. The group

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recognised that some changes would be more beneficial (in terms of being practical to operationalise and avoiding voter confusion) if there was corresponding action by the UK government in respect of the Police and Crime Commissioner elections. Where appropriate, the Welsh Government will therefore be discussing further with the UK government to explore how best to achieve coherence between the arrangements for the 2 elections where this is important.

The group agreed a set of principles and conclusions to support more detailed planning and preparations for the elections, which are set out below. There were also a number of other areas where constructive and useful discussions were held, though there was not full consensus across the group.

Areas of consensus

The group's discussions resulted in consensus on the following issues:

- The continuing aim should be for the Senedd elections to be held on 6 May as planned
- In order to achieve this, consideration of ways to increase the flexibility and resilience of election operations should be built into the planning process, reflecting public health advice on how best to protect the safety and wellbeing of election voters, participants, and administrators
- Voters who have previously been shielding or are in a vulnerable category should be encouraged, at an early stage, to consider applying for a postal vote (but made aware that whilst they could take their completed postal vote to the polling station in person, they could not then ask to vote in person)
- More generally, there should be an early drive to encourage postal vote applications in order to avoid a late rush of postal vote applications, as this could prove very difficult to manage in the time available and in the circumstances which could be faced on the pandemic
- Greater flexibility on who is permitted to present nomination papers should be provided and papers should be permitted to be presented electronically
- Some degree of greater flexibilities in respect of postal and proxy votes were supported, but whilst still maintaining appropriate checks to protect against the risk of voting fraud. The following provide examples of areas for further

detailed consideration:

- Explore whether there can be an increase in certain circumstances in how many people one individual can be a proxy voter for, for example if a household with multiple voters is required to self-isolate
- Amend the requirement for emergency proxy votes, so that medical attestation is not required in relation to coronavirus
- Ensure the process for emergency proxy votes has the capacity to deal with higher demand (if for example, a significant number of individuals or households are required to self-isolate very close to the polling day)
- Arrangements for the collection of postal votes should be made available and communicated, but with the responsibility remaining with the voter
- Public health regulations enforcing a local lockdown should not inhibit the right to vote and voting should be considered a 'reasonable excuse' (to use the legal language from the relevant regulations) for leaving the house
- The count could be conducted to an extended timeframe if more time would allow for greater protection of the health and safety of those involved (e.g. fewer count staff to allow social distancing) and / or enable candidates and counting agents to continue to exercise their right to satisfy themselves that votes are correctly allocated.

The group also indicated that, in principle, they were willing to consider bringing forward the notice of election, subject to consideration of the regulatory arrangements, further discussions on practicalities and any implications on other issues.

The group considered the safe operation of polling stations and count venues. The group agreed that in broad terms the existing powers should be sufficient to put arrangements in place on a local basis and would not require legislative change. For example, if absolutely necessary in the context of the buildings being used, it would be possible to limit the number of observers at polling stations, opening of postal votes or counts. But the group was keen to ensure that any such limitations were applied in the first instance to general observers rather than polling/count agents or family members who are permitted to accompany the candidate.

Other areas discussed

During the course of the group's work there was consideration of a number of other issues – which generally were aimed at providing flexibility and resilience to aspects of the election arrangements in certain circumstances – on which there was not full consensus across the group. These issues included:

- As a fallback contingency measure, in the circumstances in which the pandemic situation was extremely serious and posed a risk to the safe holding of the election, a possible extension to the Llywydd's power to vary the date of the 2021 Senedd election to enable the date to be moved by more than one month (for example, until the summer or autumn 2021):
 - Those responsible for the running of elections tended to favour the flexibility of this power being available as a contingency measure
 - Several members of the group noted, if there were to be such a flexibility, the academic year timings should be taken into account in agreeing the length of any extension
 - There was not a consensus across the political parties on this, with most being willing to consider it as a contingency measure in extremis, whilst others noted that elections had been held, and continue to be held in other countries, with appropriate social distancing and other measures in place.
- Recommending a change to the requirement for the Senedd to meet for the first time (at which it is required to elect a Presiding Officer and Deputy Presiding Officer) to 14 days after the result rather than after the day of the poll in order to ensure that a longer count does not constrain the time available to Members ahead of the Senedd's first meeting:
 - Those responsible for the running of elections were generally in favour of the introduction of this amendment
 - There was not a consensus across political parties for such a change, with those not in favour noting that the period had already been extended to 14 days from the 7 day period which had applied at previous elections.
- Extending polling hours:
 - Overall, group members felt there would be little benefit in extending hours within one day further than the current arrangement of 7am-10pm given the limited numbers who voted at the boundary of those times and

- the additional pressure on staffing and resources
- Safety considerations of voters, participants and administrators of polling stations being open through the hours of darkness were also highlighted
 - Some members of the group were keen to see voting extended over multiple days or via Early Voting Centres – possibly in areas with small polling stations where it would be more challenging to maintain social distancing, though there was not consensus on this in the group
 - It was agreed that any changes to the usual polling station locations should be kept to a minimum and if there had to be any changes (e.g. if a traditional venue for a polling station was impossible to be used safely) then these would need to be very clearly communicated well in advance
 - The group did not favour measures that would enable (or require) particular groups of voters to vote at a specified time as this could be confusing for voters (e.g. dedicated times when those in more vulnerable groups to vote, in the same way that some supermarkets have provided specific times for older or vulnerable people to shop).

The group also considered a number of other issues where legislative changes to existing arrangements were not felt necessary:

- staffing of polling stations
- wearing face masks in polling stations/count venues
- access to data on attainers
- facilitating campaigning.

Next steps

Following consideration at the Elections Planning Group meeting on 29 September, the report will be submitted for consideration by Welsh Ministers before any proposals to be pursued are put forward for Senedd consideration.

Alongside these steps the extensive operational planning underway will continue, alongside consideration of funding (e.g. for additional staff and equipment), to ensure that appropriate added safety measures can be put in place. There are existing mechanisms, in particular via the Wales Electoral Co-ordination Board and professional networks such as the Association of Electoral

Administrators, for taking forward operational arrangements. The Welsh Government will work with these and continue to provide advice and support to aid the work on operational planning.

Discussions between the Welsh Government and UK government will continue in order to support consistency, where appropriate, in the arrangements between the Senedd elections and Police and Crime Commissioner elections.

Annex 1: Organisations represented on Elections Planning Group

- Wales Electoral Co-ordination Board
- Association of Electoral Administrators
- Returning Officers
- NUS Wales
- Police (representing Police & Crime Commissioners, Chief Constables and Integrity Lead)
- Electoral Commission
- Senedd Commission
- UK government (Cabinet Office)
- Brexit Party
- Welsh Conservative Party
- Welsh Labour
- Welsh Liberal Democrats
- Plaid Cymru
- Welsh Government

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