



Llywodraeth Cymru
Welsh Government

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Consultation on the draft Senedd Cymru (Representation of the People) Order

We are seeking your views on the draft Senedd Cymru (Representation of the People) Order and accompanying draft explanatory memorandum.

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Introduction

The draft Senedd Cymru (Representation of the People) Order, (also known as “the Conduct Order”) outlines the procedures for conducting elections to the Senedd. It details how the election and its campaign should be managed, and it also addresses the process for legal challenges to an election.

The National Assembly for Wales (Representation of the people) Order 2007 (“the 2007 Order”), which is the current Order that governs the way Senedd elections are run, has not been remade in its entirety since it was originally made, and subsequently amended, by the Secretary of State. The function for making the Order was transferred to the Welsh Ministers by the Wales Act 2017.

Ministers have previously committed to consult on and remake a bilingual consolidated Order ahead of the 2026 Senedd Elections. The draft Order therefore updates and consolidates the existing provisions on the conduct of Senedd elections and those in the related amending orders.

Whilst the law has largely been re-stated as part of an accessible, bilingual framework for the first time using modern and clear language, the draft Order also implements a number of changes to reflect developments in the wider elections field since the 2021 Senedd election.

The main changes that are being taken forward in the draft Order are:

- policy proposals outlined in the October 2022 White Paper on Electoral Reform and through the Elections and Elected Bodies (Wales) Act 2024, which received Royal Assent on 9 September 2024
- the implementation of substantial legislative changes required by the Senedd Cymru (Members and Elections) Act 2024, reflecting that there will only be constituency elections going forward, with only parties and individual candidates standing in those constituencies

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- changes to ensure that the language throughout the draft Order is gender neutral

In redrafting the rules contained in Schedule 5 to the Order, particular attention has been paid to the Local Elections (Principal Areas) (Wales) Rules 2021 (SI 2021/1459) and the Local Elections (Communities) (Wales) Rules 2021 (SI 2021/1460) (Local Government Election Rules 2021) to ensure an element of consistency for electoral administrators and campaigners.

The Explanatory Memorandum details the material differences between provisions in the 2007 Order (and its amending orders) and the draft Order, and this should be read in conjunction with this paper and the draft Order itself. This consultation paper aims to provide a concise overview of the main points for consideration.

Elections expenses

The provisions relating to election expenses largely follow the previous regional model in relation to individual candidates. We are seeking views on the proposal to move to a single, longer regulated period for the purposes of those candidates accounting for their election spending in connection with Senedd elections. The regulated period proposed for individual candidates' election expenses aligns with the regulated period for which parties are required to account in connection with their spending at Senedd elections, and which is set by the Political Parties, Elections and Referendums Act 2000. It is also the intention to align the expenses limit which applies to individual candidates with the limits for party expenses. It is proposed that the election expenses limit set for an individual candidate will either be the same amount that would apply when a registered political party stands a single candidate in a constituency or the same amount as the limit set for a party standing in a single constituency. We are seeking views on this proposal.

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The election expenses limits that will be applied to parties has already been the subject of a separate [public consultation exercise](#). The responses are currently being analysed and final proposals will be published in due course.

Free election post

Under the 2007 Order, a party standing in every constituency and every region would, in effect, be able to send 2 pieces of election mail free of charge to every voter (one from the party's constituency candidate and one from the regional list's nominating officer). As this is equivalent to each constituency list nominating officer being able to send 2 pieces to each voter under the new system, the maximum available free post for a party will not change. We are seeking views on this proposal.

Postal vote statement correction procedures

There is provision within Schedule 2 of the draft Order to implement the new postal voting statement correction procedure for Senedd elections. This was previously consulted upon as part of a wider proposal on postal vote ballot tracking in the White Paper on Electoral Reform. The postal vote tracking and online portal elements of the proposal have been removed following feedback to that consultation. The draft Order provides postal voters with the opportunity to complete and return a replacement postal voting statement to correct common errors made in the provision of personal identifiers before the close of poll so that their votes are not rejected. At present, voters are only notified of these mistakes once the poll has concluded.

The draft Order allows for replacement postal voting statements to be automatically provided in respect of any incorrectly completed postal voting

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statements received 4 working days before polling. The replacement postal voting statements can be returned by post, to a polling station or directly to electoral offices to be rechecked. The aim of this procedure is to prevent electors being unnecessarily disenfranchised without undermining the security of the postal voting system. We are looking for feedback on the procedure outlined in the draft Order.

Statement of party membership

The draft Order now sets out the requirements for statements of party membership that must be included in the consent to nomination form. Rule 10(4) of Schedule 5 sets out that a candidate will be guilty of a corrupt practice where they knowingly fail to include a statement of party membership that complies with the requirements in rule 10(2) and (3), and which must be detailed in the newly prescribed consent to nomination form (form 13). This reflects the approach already taken in respect of local government elections in Wales through the Local Government Election Rules 2021, where candidates are asked to declare if they have been a member of a political party within the last 12 months. We aim to make these provisions as clear as possible for Senedd elections.

Accessibility of polling stations

In our White Paper consultation on Electoral Reform in October 2022 we asked for views on whether the returning officer at devolved elections should be under a duty to provide such equipment as it is reasonable to provide for the purposes of making it easier for disabled people to vote. The responses supported mirroring the approach taken in respect of UK Parliamentary elections to ensure consistency and simplicity across England and Wales. This is also the approach

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favoured by the Electoral Commission and electoral administrators. This is therefore the approach reflected in the draft Order.

We are considering what more we can do in this area to ensure blind and partially sighted voters can vote independently and in secret. Further detail is set out in the draft Explanatory Memorandum which will be updated following the outcome of this consultation and other key work in this area.

Forms

The forms have been renumbered for accessibility purposes, and have been amended to reflect changes made to the substantive provisions in the draft Order. There are some completely new forms as part of the new postal voting statement correction procedure, as well as the new consent to nomination form. Seeking stakeholders' opinions on usability would be beneficial in ensuring the forms serve their intended purpose effectively.

Welsh language requirements and potential impact on the Welsh language

Our goal has been to support the equal use of Welsh and English in Senedd elections and for this to be reflected effectively throughout the draft Order. As set out earlier, this is the first time the Conduct Order will be made fully bilingual, including the forms and the related instructions. Other examples include ensuring that where there are requirements to provide forms for elections in Welsh and English, Welsh comes before English in the provision. There are also provisions regarding questions to be put to voters within Schedule 5 which will allow these to be asked in Welsh or English.

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There is now a specific requirement in rule 64 of Schedule 5 to declare the results of a constituency election in both Welsh and English, further reflecting Welsh language requirements. This approach aims to complement the Electoral Commission's performance standards for Returning Officers in relation to the Welsh language.

We invite your opinions on whether the draft Order effectively encourages equal usage of the Welsh language, along with any insights you may have regarding its potential implications for the Welsh language.

A full impact assessment will be published with the final Order.

Engagement events

Custom engagement activities will be arranged with specific stakeholders as part of this consultation due to the technical nature of the Conduct Order. If you are interested in participating in an engagement event and have not yet received an invitation, please contact us at elections.consultation@gov.wales.

Consultation questions

Question 1

Do the procedures outlined in the draft Order accurately represent the requirements for conducting a successful election under the Senedd's new electoral system?

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Question 2(a)

Do you agree with the approach that the timeframe for which individual candidates should account for their election spending should be aligned with the timeframe for which parties account for their spending?

Question 2(b)

Do you agree with the principal of aligning the election expenses limit of individual candidates with the limits for party expenses?

How this link will be made will depend in part on the final approach taken for party limits, but the proposal is to set the limit for an individual candidate at the same level as the limit that would apply when a registered political party stands a single candidate in a constituency or the limit that would apply when a registered political party stands in a single constituency.

Question 3

Do you foresee any unintended consequences arising from the revised provisions in article 67 of the draft Order concerning the right to send free election mail, which are considered to be overall comparable to those in the 2007 Order?

Question 4

Are there any technical changes you can recommend which would allow the postal voting statement correction procedure to be more effective?

Question 5

Are the provisions relating to the new requirements of a statement of party membership clear with regards to what is required from candidates?

Question 6

Do you agree with the new provisions in Rule 36 of Schedule 5 regarding the equipment provided at polling stations to assist disabled voters, which is in line with the approach adopted following amendments made by the Elections Act 2022?

Question 7

Do you consider that the content and format of the forms, as well as the new numbering system, satisfies users' needs?

Question 8

Do you anticipate that the forms will be used as they are presented in the final Order, or will new templates be created?

Question 9

In your opinion, could the draft Order be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or

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- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Question 10

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

How to respond

Submit your comments by 17 February 2025, in any of the following ways:

- complete our [online form](#)
- download, complete our [response form](#) and email elections.consultation@gov.wales
- download, complete our [response form](#) and post to:

Elections Division
Welsh Government
Cardiff
CF10 3NQ

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Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing

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- for (in certain circumstances) your data to be ‘erased’
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner’s Office (ICO) who is our independent regulator for data protection

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please [tell us](#).

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer

Data Protection Officer
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

E-mail: data.protectionofficer@gov.wales

Information Commissioner’s Office

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

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Telephone: 01625 545 745 or 0303 123 1113

Website: ico.org.uk

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Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. The lawful basis for processing information in this data collection exercise is our public task; that is, exercising our official authority to undertake the core role and functions of the Welsh Government. (Art 6(1)(e))

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. In the case of joint consultations this may also include other public authorities. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact

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them before publishing.

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