

Wales Bill 2016-17

House of Commons Second Reading briefing

June 2016

Introduction

This briefing sets out the Electoral Commission's views on key issues arising from the Wales Bill, ahead of its second reading on Tuesday 14 June. It covers:

- The proposed changes to legislative competence for the administration of National Assembly and local government elections in Wales and the regulation of campaigner spending at those elections
- The Electoral Commission's role and accountability

The Electoral Commission is an independent body established in 2000. We regulate party and election finance and set standards for well-run elections and referendums. We work to support a healthy democracy, where elections and referendums are based on our principles of trust, participation and no undue influence.

Legislative competence for the administration and regulation of the National Assembly for Wales and local government elections in Wales

Background

The Wales Bill would provide the National Assembly for Wales with legislative competence for the administration and regulation of National Assembly for Wales elections.

This would include providing the Assembly with new powers relating to:

- The conduct of elections of Assembly members
- The timing of polls for National Assembly for Wales and local government elections
- Secondary legislation for the combination of polls for National Assembly for

Wales elections with UK Parliamentary and European Parliamentary elections in certain circumstances

- Registration of electors
- Power to make payments to any political party for the purpose of assisting members of the Assembly to perform their Assembly duties
- Limitations on candidate election expenses and creation of offences
- Certain functions concerning the procedure relating to the Digital Service for applications to the register of electors

The draft Bill would also transfer legislative competence for the following parts of the Political Parties Elections and Referendums Act 2000 (PPERA)¹¹ relating to political parties and non-party campaigners at National Assembly for Wales and local government elections in Wales to Welsh Ministers:

- The definition of regulated spending
- Controls on donations to non-party campaigners
- The reporting requirements
- The timetable for publishing returns submitted to us
- The spending limits for political parties and non-party campaigners at National Assembly for Wales elections

In the event of changes to the current rules for National Assembly for Wales and local government elections we will, at the time the changes are proposed, provide advice on the practical implications and the impact on voters, campaigners and electoral administrators in Wales and – if relevant – elsewhere in the UK. We would also expect to comment on the practical implications of any resulting differences between the rules that would apply at different types of election in Wales, if and when they are proposed by either the UK or Welsh governments in future.

Any changes to the electoral process, including to electoral registration and the electoral system, should be clear and made in sufficient time to enable voters to understand how changes may impact on them and their participation in elections.

Similarly, any changes to appropriate legislation should be made six months prior to the commencement of the change (e.g. the regulated periods for political parties and non-party campaigners, polling day / the beginning of the canvass). This would ensure that those involved with implementation have sufficient time to plan and properly resource the change and would allow for any necessary public awareness work.

¹¹ [Political Parties Elections and Referendums Act 2000](#)

Statutory consultation with the Electoral Commission

We note that the scope of the changes proposed by the Wales Bill affects section 7 of PPERA² which sets out when the Electoral Commission is to be consulted on changes to electoral law. We would welcome clarification that the duty for the Secretary of State for Wales to consult the Electoral Commission on any draft Order relating to the conduct of a Welsh general election will be transferred to Welsh Ministers.

The Electoral Commission's role and accountability

Under PPERA, the Electoral Commission is accountable to the UK Parliament's Speaker's Committee for its work. In Wales the St David's Day proposals³ had recommended that the Electoral Commission should continue to operate on a UK-wide basis, with the National Assembly for Wales having competence over its functions in relation to National Assembly elections and local government elections in Wales.

The Bill provides that legislative competence over some of the functions of the Electoral Commission with respect to elections to the National Assembly for Wales and local government elections in Wales would be devolved to the Assembly, and the Electoral Commission would therefore become accountable to the Assembly in respect of these functions.

The Commission currently has a full programme of work in place for future National Assembly for Wales and local government elections in Wales. It is important for the Commission to be accountable to and scrutinised by the National Assembly for its activities and spending in relation to elections for which the Assembly has legislative responsibility. We look forward to working with the Assembly and Welsh Government to achieve this in the most effective way.

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² Section 7(2) of the [Political Parties, Elections and Referendums Act 2000](#)

³ [St David's Day Agreement](#)