

electoral administration bulletin

The
Electoral
Commission



Issue 268 (Wales) – 8 April 2020

Coronavirus: update

The [Coronavirus Act 2020](#) received Royal Assent on 25 March. The Act postpones the scheduled May 2020 elections in England and Wales to May 2021; and it also includes provisions relating to the postponement of by-elections.

Subsequent to this, the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#) have now also been made.

These Regulations provide that any Police and Crime Commissioner by-election that would otherwise be required before 5 May 2021 is postponed until 6 May 2021. They also make equivalent provision for a range of specified local elections and referendums in England.

The Regulations disapply the breach of official duty provisions to ensure that Returning Officers may not be subject to criminal liability for breach of duty in relation to elections that were due to be held in the period after 24 April 2020. The Coronavirus Act 2020 has already removed the liability for elections due to be held from 15 March to 24 April.

The UK Government have said that they will keep these Regulations under review to consider whether they should be amended or revoked, in particular if the circumstances of the pandemic allow for these polls to be held before 6 May 2021.

We understand that further secondary legislation will now be brought forward by the UK Government and the Welsh Government under the powers in the Act, which will make more detailed provision about the practical management of those by-elections that have been postponed. We will continue to work closely with the Welsh Government, Cabinet Office, AEA and SOLACE as this legislation is developed, and will keep you informed as this progresses, including through the provision of guidance and support as soon as the position is clear.

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EA Bulletins are issued on a regular basis. They are one of our key channels for communicating with Returning Officers, Electoral Registration Officers and their staff. Past issues of Bulletins for England, Scotland and Wales are available [here](#). You can also [subscribe to the EA Bulletins](#).

Please [keep us informed](#) of any staff changes within your team. This will help us to keep our mailing lists up-to-date.

If there is a new RO/ERO appointment in your authority, please contact the team in Wales by e-mailing infowales@electoralcommission.org.uk.

We are sending you this newsletter as it contains important information about the Electoral Commission's work which is relevant to you. The newsletter forms part of the Electoral Commission's public task which has its basis in the Political Parties, Elections and Referendums Act 2000. We will manage your personal information and contact details in line with the General Data Protection Regulation and UK data protection legislation as outlined in our privacy notice (<https://www.electoralcommission.org.uk/privacy-notice>)

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Electoral registration

We are also continuing to engage with Cabinet Office and others across the electoral community about the impact of the coronavirus pandemic on the annual canvass and year round registration activity.

Cabinet Office have confirmed that they are currently reviewing a number of options in relation to the management of electoral registration. In terms of the canvass, they have stated that they do not expect the options to include reverting to the pre-reform canvass and that EROs should therefore continue to prepare for the reformed annual canvass as best they can given the circumstances.

A further update will be provided by the Cabinet Office in May, and we will provide you with more information on this as soon as it's available.

We will update you on our work to support the annual canvass, including the publication of our canvass guidance, in next week's Bulletin.

In the meantime, we have been receiving a number of queries relating to issues that administrators are facing in managing the delivery of year-round electoral registration work, such as the publication of monthly updates, during the current pandemic.

While the statutory requirements around registration have not (to this point) changed, we recognise that the practical delivery of these may well be impacted, particularly given the UK's government's wider guidelines around coronavirus. We therefore recommend that you should:

- Take all appropriate steps that you can to meet the legislative requirements wherever possible
- Ensure that any activity that was not carried out in line with the timescales provided for in legislation is carried out as soon as practicable afterwards
- Keep a clear audit trail of your decision making, and the reasons for the decisions you have made
- Consider what communications may be needed with your stakeholders, such as recipients of the register, to inform them of your approach to managing your work as a result of the pandemic

If you have any queries or concerns, or require any further support, please contact infowales@electoralcommission.org.uk who will be happy to help in any way they can.

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