

## Senedd election

# Guidance for candidates and agents

## Part 1 of 6 – Can you stand for election?

This document applies to the Senedd election. Our guidance and resources for other elections in the UK can be accessed from our website at:

[www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents](http://www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents).

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# Can you stand for election?

This section of the document contains our guidance on whether or not you can stand for election to the Senedd, whether as a constituency candidate, as a party list candidate at the regional election, or as an individual candidate in the regional election.

In this document, we use 'you' to refer to all candidates standing at the Senedd elections. Where our guidance only applies to a particular type of candidate, this will be specifically stated.

We use 'must' when we refer to a specific requirement.

We use 'should' for items we consider to be minimum good practice, but which are not legal or regulatory requirements.

Deadlines mentioned in this document are generic and we have published a [generic election timetable](#) on our website.

For scheduled elections, we will publish an election timetable containing the specific deadlines for those polls which you can download from our [website](#).

We are here to help, so please contact the Electoral Commission if you have any questions.

See our [Overview document](#) for contact details.

Data protection legislation applies to the processing of all personal data. Please contact the [Information Commissioner's Office](#) for further information about how the current data protection legislation affects you.

# Qualifications for standing for election

1.1 To be able to stand as a constituency or regional candidate at the Senedd election you must, on the day you are nominated and on polling day, be:

- at least 18 years old, and
- a British citizen, a qualifying [Commonwealth citizen](#), a [qualifying foreign citizen](#), [a citizen of the Republic of Ireland or](#) a citizen of the European Union who is resident in the United Kingdom. There is no requirement in law for you to be a registered elector in Wales.

## Disqualifications

1.2 Apart from meeting the qualifications for standing for election, you must also not be disqualified from standing on the day of your nomination and on polling day.

### Disqualifying offices

1.3 Certain office-holders are disqualified from becoming a Member of the Senedd and from standing as a candidate at Senedd elections. These are specified in the Table in Part 2 of Schedule 1A to the Government of Wales Act 2006 and include:

- judges
- civil servants
- members of the regular armed forces
- members of a police force
- members of a legislature of any country or territory outside the UK
- those who hold the office of Auditor General for Wales
- those who hold the office of Public Services Ombudsman for Wales
- those who hold the office of lord-lieutenant, lieutenant or high sheriff of any area in Wales

**A qualifying Commonwealth citizen** is a Commonwealth citizen who either:

- does not need leave to enter or remain in the United Kingdom (UK), or
- has indefinite leave to remain in the UK

A qualifying foreign citizen is a person who is not;

- a Commonwealth citizen, or
- a citizen of the Republic of Ireland and
- who has or does not require leave to remain or is treated as having leave to enter or remain in the UK.

Legislation is published by the National Archives.

You can access the [Senedd Cymru Disqualification Order 2020 here](#).

The Government of Wales Act and the House of Commons Disqualification Act can be accessed on [www.legislation.gov.uk](http://www.legislation.gov.uk). However, the legislation on the website may not always reflect the legislation as it currently stands – for example, at the time of writing, there are outstanding changes to the House of Commons Disqualification Act 1975, which have not yet been reflected in the version on the website.

If you are in doubt, you should seek your own independent legal advice.

- those who hold the office of Commissioner or Investigating Commissioner for the Commission for Equality and Human Rights  
those who hold the office of Childrens Commissioner, Deputy Childrens Commissioner, Commissioner for Older People, Deputy Commissioner for Older People, or Welsh Language Commissioner, Deputy Welsh Language Commissioner and members of the Advisory Panel to the Welsh Language Commissioner
- those who are employed as a member of the staff of the Senedd. Candidates who are directly employed by Members of the Senedd and not by the Senedd Commission are not disqualified from standing for election. However, employment relationships can be complex and we advise anyone who is unsure about whether they are disqualified to speak to the Senedd's HR department to confirm their employment arrangements and/or seek their own legal advice.

1.4 Certain other offices holders who are listed in Senedd Cymru (Disqualification) Order 2020 may stand as candidates at a Senedd election, but, if successful, would have to resign their office before taking the oath or allegiance (or make the corresponding affirmation).

1.5 This list is not comprehensive and detailed lists of disqualifications are set out in the Government of Wales Act 2006 (as amended), the Senedd Cymru (Disqualification) Order 2020.

## Bankruptcy

1.6 Bankruptcy in itself is not a disqualification. If you have been adjudged bankrupt by a court in England, Wales or Northern Ireland, you are not disqualified on that basis, as long as you are not also currently subject to any of the particular bankruptcy disqualifications listed below:

- you are currently subject to a debt relief restrictions order or an interim debt relief restrictions order, a bankruptcy restrictions order or an interim bankruptcy restrictions

- order made by a court in England, Wales or Northern Ireland, or
- your estate has been sequestrated by a court in Scotland and you have not been discharged

## Imprisonment and court decisions

1.7 You are disqualified under the Government of Wales Act 2006 if you have been convicted of an offence and have been sentenced or ordered to be imprisoned or detained indefinitely or for more than a year and are detained anywhere in the UK, the Channel Islands the Isle of Man or elsewhere in the European Union, or are unlawfully at large when you would otherwise be detained.

1.8 The nomination of a person disqualified on this basis outlined in paragraph 1.7 is void, and the Returning Officer will reject their nomination.

1.9 You are also disqualified under the Government of Wales Act 2006, if you have been convicted or reported guilty of a corrupt or illegal electoral practice or of an offence relating to donations. The disqualification for an illegal practice begins from the date a person has been reported guilty by an election court or convicted and lasts for three years. The disqualification for a corrupt practice begins from the date a person has been reported guilty by an election court or convicted and lasts for five years.

1.10 You are also disqualified if you are subject to the notification requirements of, or an order under Part 2 of the Sexual Offences Act 2003.

## Standing in more than one contest

1.11 You can be a candidate for both a constituency and a region, so long as the constituency is within the region. If you do this, you must stand for the same party in both contests, or be an independent in both contests. If you are elected at the constituency election, your name will be disregarded at the allocation of regional seats.

1.12 You cannot stand in more than one constituency or in more than one region.

## MPs standing at the Senedd election

1.13 Members of the House of Commons cannot be members of the Senedd. While they can stand as candidates at the Senedd election, if successful, an MP would have to resign their seat in the House of Commons within eight calendar days of being elected to the Senedd.

1.14 You may also be a candidate at both a UK Parliamentary and a Senedd election. In the scenario where you are returned as a Member of the Senedd and are subsequently elected to the House of Commons you will be disqualified from being a member of the Senedd if you do not resign your seat in the House of Commons within eight calendar days of being elected as an MP.

## Other office holders standing at the Senedd election

1.15 Certain office-holders cannot be Members of the Senedd. These offices include:

- Members of the Scottish Parliament,  
Members of the Northern Ireland Assembly  
Members of the Scottish Parliament or the Northern Ireland Assembly can stand as candidates at a Senedd election, but, if successful, they would have to resign their post before taking the oath of allegiance (or make the corresponding affirmation).
- Members of the House of Lords  
Members of the House of Lords can stand as candidates at a Senedd election, but if successful, they would have to already have leave of absence from the House of Lords, or have made an application for leave of absence which has not been withdrawn or refused.

- Members of the council of a county or county borough in Wales

Members of the council of a county or county borough can stand as candidates at a Senedd election, but, if successful, they would have to resign their post before taking the oath of allegiance (or make the corresponding affirmation).

If a member of the council of a county or county borough in Wales is elected as Member of the Senedd and the expected day of the next scheduled county/county borough election is within 372 days beginning with the day they are returned as a Senedd member, the councillor can remain in post for the period beginning with the day they are returned and ending with the fourth day after the day of the next scheduled council poll.

The full range of disqualifications is complex and if you are in any doubt about whether you are disqualified, you must do everything you can to check that you are not disqualified before submitting your nomination papers.

You must be sure that you are not disqualified as you will be asked to sign one of the required nomination papers to confirm that you are not disqualified.

It is a criminal offence to make a false statement on your nomination papers as to your qualification for being elected, so if you are in any doubt, you should contact your employer, consult the legislation or, if necessary, take your own independent legal advice.

The Returning Officer will not be able to confirm whether or not you are disqualified.