

Explanatory Memorandum to The Welsh Elections Information Platform Regulations 2025

This Explanatory Memorandum has been prepared by The Elections Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Welsh Elections Information Platform Regulations 2025. I am satisfied that the benefits justify the likely costs.

Jayne Bryant MS

Cabinet Secretary for Housing and Local Government

04 February 2025

PART 1

1. Description

1. These Regulations make provision for the Welsh Ministers duty to provide for a Welsh elections information platform under section 26 of the Elections and Elected Bodies (Wales) Act 2024 (“the 2024 Act”).
2. These regulations set out the arrangements and detail relating to the delivery of the Welsh elections information platform that will provide up-to-date information, or access to up-to-date information from other electronic sources to electors to support their participation in Senedd Cymru elections and ordinary elections to principal councils in Wales.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

3. These regulations enable the necessary work to be undertaken to establish the platform in time for the 2026 Senedd elections. A number of provisions make reference to ‘an order under section 13 of the Government of Wales Act 2006’. The footnotes to those references provide assistance by referring to the relevant order at the time the regulations are made, that being the National Assembly for Wales (Representation of the People) Order 2007 (“2007 Order”) along with the relevant article. At the time of writing, a new revised 2007 order is being drafted and consulted upon. By the time the platform is operational, it is likely that the 2007 Order will therefore no longer be the relevant order to be referenced. The intention is to amend these Regulations once the new Order has been made to reference the precise provisions of that revised order.

3. Legislative background

4. Section 26(1) of the 2024 Act requires Welsh Ministers by regulations to establish and operate a Welsh elections information platform to support electors take part in Welsh elections, namely Senedd Cymru elections and elections of county and county borough councils in Wales. It also provides a power for the Welsh Ministers to make regulations about the information that should be available on the platform in relation to community council and mayoral elections in Wales.
5. As required by section 26(7), these regulations are being made under the affirmative procedure because they contain a provision that confers the exemption from civil and criminal liability in connection with the publication of candidate’s statements and other information about candidates and registered political parties.

4. Purpose and intended effect of the legislation

6. The purpose of this legislation is to create and maintain a platform and confer functions on the platform operator to deliver the Welsh elections information platform. These regulations appoint the Electoral Management Board (“EMB”) to be the platform operator and confers various functions to enable it to establish and operate the platform.
7. Welsh Ministers took forward primary legislative proposals, through the 2024 Act, to improve the provision of information to support electors. The intention, as set out in these regulations, is for the EMB to deliver an information platform to provide electors with up-to-date information, or access to up-to-date information from other electronic sources, about ordinary Senedd Cymru, and principal local authority elections in Wales.
8. The overarching policy intention of the Welsh elections information platform is to improve the availability and accessibility of voter information for Welsh Citizens to increase their understanding, awareness and confidence to take part in the democratic process. The platform may contain information to help electors understand the devolution of Welsh elections including the difference between devolved and reserved elections.
9. The Welsh elections information platform must host information about candidates and registered political parties, and information that returning officers routinely or are duty bound to publish during the election process, as well as information relating to accessibility arrangements at polling stations. The regulations also provide for the EMB to use their discretion to publish, or signpost to other information that could assist electors during an election, setting out what this may contain.
10. The regulations specify that information on the platform is user friendly and accessible to all electors. The regulations also require the EMB to take reasonable steps to ensure the platform is generally secure and content user friendly. In terms of access, information published on the platform should be searchable, where relevant, by postcode, constituency or electoral ward.
11. The regulations set out that the EMB will provide guidance for electoral administrators, candidates and registered political parties relating to documents they may send to the platform operator and the formatting of information that may be displayed on the platform. The guidance could include reference to other regulatory requirements that may assist in the completion of election addresses and candidate statements such as requirements relating to digital imprints. The guidance will complement the development and delivery of the platform, easing information flows

- and ensuring streamlined processes that should reduce burdens on electoral administrators and the platform operator.
12. The regulations provide for the inclusion of information relating to choices available to electors on the ballot paper. For Senedd Cymru elections this will take the form of an election address, for principal local authority elections this will be a candidate statement.
 13. For Senedd Cymru elections, individual candidates or a registered political party which has submitted a list of candidates, may provide an election address to the platform operator for publication on the platform. An election address means a copy of the free postal communication document as approved by the universal service provider (Royal Mail). The election address will only be published if the rules set out in the regulations are met. A registered political party or independent candidate under the conduct order is entitled to send one election address per constituency.
 14. For principal local authority elections, candidates or candidate's election agent can submit a candidate statement to the platform operator to be published on the platform. The regulations define a candidate statement and prescribe the format and content of the document.
 15. The regulations set out that the submission process will be provided for via a formal notice that will be published on the platform by the platform operator. The notice will provide clear guidance to candidates, their agents and registered political parties about how to use any system in place, clearly stating timetables and submission processes to be considered.
 16. The regulations set out that it will be the candidate/s or candidates' election agent who is responsible and who will incur any civil or criminal liability for the publication of the content of an election address or candidate statement on the platform.
 17. The regulations make provision for a report by Welsh Ministers on the functions exercised in relation to the platform. This report will contain information provided by the platform operator relating to how the platform has been established, and detail relating to operational arrangements such as platform usage, promotion and accessibility.

5. Consultation

Formal consultation

18. While these regulations have not been formally consulted upon, the policy proposals and provisions around a voter information platform were formally consulted on via the [Consultation on the electoral administration](#)

[and reform White Paper.](#)

19. Provisions relating to candidate statements were included in the draft Local Elections (Principal Area) (Wales) Rules 2021 which were consulted on formally with the electoral community. Responses to the consultation indicated widespread support in principle for statements, but concerns were raised about the administrative and legal burdens for ROs should they have to deliver the function. The delivery of statements via an independent body like the EMB addresses the substantive concerns raised.
20. As this policy was provided for in the Elections and Elected Bodies (Wales) Act 2024, the provisions were subject to Senedd primary legislative scrutiny which included Committee and full Senedd scrutiny.

Informal consultation

21. A draft framework for the Welsh elections information platform was issued to key stakeholders. The framework was informed by the evaluation of consultation responses, and evidence provided by stakeholders at committee. Stakeholders were asked to review the framework and consider whether it accurately reflected what they had told us, and the needs of the communities they represent. The feedback from this exercise has fed into the development of these regulations.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Costs and benefits

The 2024 Act places a duty on Welsh Ministers to provide for a Welsh elections information platform. No such platform currently exists and therefore business as usual is not an option.

In drafting these regulations, officials have taken the approach of providing the foundations for a minimum viable product. This approach has been taken to keep costs at a minimum while still providing a tool which will be fit for purpose and overcome known barriers relating to information provision at election time.

Costs

22. Costs are likely to fall into the following categories:

a) Capacity/resource within the EMB. Resourcing within the Commission will need to accommodate a contract/content manager (SEO FTE at £66,364 annual average gross cost), and business analyst (G7 FTE at £86,731 annual average gross cost). It is anticipated that these staff will also provide procurement support. It is likely the resource employed by the EMB will be utilised for work in addition to the Welsh elections information platform. This will balance against other staff capacity needed to deliver the platform, such as administration and communications.

b) Cost of third-party service provider to design and build the voter information platform. Cost will vary depending on platform design but based on pre-market engagement exercise we estimate an initial set up cost of £750,000 to £1m, this cost will be incurred in 2025-26. There will be an annual cost of £80,000 to £110,000 for maintenance and development starting in 2026-27. For the purposes of the RIA, we have taken a conservative approach and assumed costs will be at the upper end of these ranges.

23. There are additional costs which could be incurred as the platform develops and looks to incorporate routinely published data that is currently held on EMS. Getting EMS software to talk to the platform so that it can aggregate data across Wales to present to electors is likely to require the building of APIs (Application Programme Interface) – these will provide a bridge between the EMS and the voter information platform. It is difficult to accurately estimate the cost of API development as this will depend on several factors (e.g. complexity). It is not possible to calculate these costs. However, in 2020-21 around £1.6million was paid to EMS providers to support the required changes to systems following the extension of the franchise. This figure is provided for illustrative purposes only, the actual costs are unknown at this stage and cannot be

estimated due to the specialist nature of this work and commercial sensitivity.

Benefits

24. The Welsh elections information platform will provide information for electors at Senedd elections, allowing them to access information digitally and not just in hard copy print. This will help to improve engagement in elections by recognising that different groups access information through different means. For local government elections, the Welsh elections information platform will provide a free platform for candidates to communicate with the electorate digitally through candidate statements. Hard copy communication will continue to follow the current regime where candidates and parties are free to communicate with the electorate but they must provide the funding for this themselves. This often disadvantages independent candidates and limits the availability of information to electors.
25. The platform will provide a single point of entry for electors wishing to better understand who is standing for election in their constituency. This offers benefits over the existing system which allows for candidates to send one piece of election material to each registered elector for a number of reasons, for example:
 - Election material is often inaccessible by people with a visual impairment. An electronic platform will allow for accessibility using screen readers etc.
 - Election material can be thrown away by the person in the household who typically sorts the post and could therefore be unavailable to other electors in the household.
26. The information platform could help provide an opportunity for electors to find information that not only relates to candidates standing, but also information on casting their vote, the electoral system being used etc. by linking to other trusted sources as appropriate. This could help address known knowledge gaps. Different groups in society choose and prefer to access information via different means. By providing an online voter information platform in addition to the current hard-copy election material, it is possible that engagement in elections could be improved.
27. An accessible platform that provides up to date, reliable information relating to elections could help relieve the burden on local authority election teams who answer frequently asked questions multiple times in the period building up to an election.
28. The Wales elections information policy was considered in other relevant impact assessments carried out as part of the Act development process.

7. Competition Assessment

29. A competition assessment is not applicable under these circumstances.

8. Post implementation review

30. These regulations outline the requirement for Welsh Ministers to publish a report about how the Welsh information platform has been established and operated. The report will draw on information provided by the operator relating to development and implementation, usage by information providers (local authorities, candidates and their agents) and electors, and how the platform has been promoted by the operator and others in the electoral community.

31. It is intended that the information provided in these reports will help to evaluate its effectiveness and inform its future development.