

# **SL(6)582 – The Welsh Elections Information Platform Regulations 2025**

## **Background and Purpose**

These Regulations make provision for a Welsh elections information platform, as required by section 26 of the *Elections and Elected Bodies (Wales) Act 2024*.

The platform is intended to provide up-to-date information to electors to support their participation in Senedd elections and ordinary elections to principal councils in Wales. The platform will be operated by the Electoral Management Board, which will be established as part of the Democracy and Boundary Commission Cymru.

The Explanatory Memorandum to these Regulations state that:

*"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."*

The Regulations set out what information must be placed on the platform (such as information about candidates, political parties and accessibility arrangements), and the relevant requirements in respect of such information.

## **Procedure**

Draft Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

## **Technical Scrutiny**

The following 5 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

### **1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements;**

Regulation 2 is an interpretation provision. It provides three separate definitions for "candidate" in the Regulations, depending on the context.

The first two definitions encompass (a) individual candidates (i.e. independent candidates) for Senedd elections, and (b) party list candidates for Senedd elections.



However, the drafting for (a) is imprecise as it states “an individual who is a candidate to be a Member of the Senedd”. In our view, a party list candidate could also conceivably fall under this definition as they will also be, according to the natural and ordinary meaning of the words, individuals standing as candidates for Senedd elections.

We note that the interpretation provision in the *Senedd Cymru (Representation of the People) Order 2025* (the “**Draft Conduct Order**”) which was recently [consulted upon](#) by the Welsh Government defines ‘individual candidates’ as “a candidate at a Senedd election other than a party list candidate”.

Consideration should be given to amending the definition of ‘candidate’ in the Regulations to more clearly differentiate between individual and party list candidates.

## **2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

Regulation 4(2)(b) provides that the Electoral Management Board (in their capacity as platform operator) must ensure the platform provides, hosts and publishes information in a politically neutral manner about—

- i. specified elections (i.e. Senedd and ordinary elections to principal councils in Wales),
- ii. candidates, and
- iii. registered political parties standing ***in elections to Senedd Cymru***; [emphasis added]

It is unclear why this duty does not extend to publishing information about registered political parties in the context of ordinary elections to principal councils in Wales.

## **3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

Regulation 6(1)(g) provides that the platform operator must publish, or arrange to be published, the “accessibility arrangements in place at polling stations” for each specified election.

The scope of this obligation is unclear. In this context, it may extend to accessibility arrangements for entering polling stations, arrangements for assisting persons to vote, or both.

In respect of the latter potential meaning, we note that the Draft Conduct Order proposes to broaden the duties in respect of equipment at polling stations by placing a duty on the Returning Officer to provide “such equipment as is reasonably necessary” to allow persons to vote independently.

We ask the Welsh Government to confirm what regulation 6(1)(g) is intended to encompass. We also ask whether a requirement obliging the platform operator to publish the accessibility arrangements in place at polling stations is practicable, feasible and sufficiently



certain given the proposed broader duty in rule 37(7)(b) of Schedule 5 to the Draft Conduct Order.

**4. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

Part 4 of the Regulations deals with election addresses and candidate statements. It is unclear why there is a discrepancy in the relevant requirements for these matters as between regulations 9 and 11(3), respectively. Both regulations 9 and 11(3) are consistent that neither must contain any material that:

- (a) is obscene, offensive, or indecent, or
- (b) the publication of which would likely amount to the commission of an offence.

However, in respect of candidate statements, regulation 11(3) further provides that they must not contain any material:

- (c) that amounts to advertising or could result in commercial gain; or
- (d) that could mislead or confuse electors as to the electoral system in use at the election or the effect of giving their vote.

It is unclear why (c) and (d) do not also apply to election addresses under regulation 9.

**5. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

Regulation 13(3)(a) provides that the platform operator must publish a notice of the submission process for election addresses or candidate statements including, inter alia, the date which is the last day on which those documents may be submitted for publication.

Did the Welsh Government consider prescribing a deadline date for these purposes, or will it be left to the discretion of the platform operator for each specified election?

## Merits Scrutiny

The following 3 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

**6. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd;**

There are numerous cross-references in these Regulations to provisions in the *National Assembly for Wales (Representation of the People Order) 2007* (SI.2007/236) (the "**2007 Conduct Order**").

The Welsh Government's stated intention is to replace the 2007 Conduct Order with a finalised version of the Draft Conduct Order in time for the next Senedd ordinary general



election in 2026. After it has been superceded, the references to the 2007 Conduct Order in these Regulations will become redundant.

We note the paragraph in the Explanatory Memorandum to these Regulations which confirms the Welsh Government's stated intention to "*amend these Regulations once the new Order has been made to reference the precise provisions of that revised order*".

**7. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd;**

Regulation 8 provides that individual candidates or registered political parties may provide an election address to the platform operator for publication on the platform for Senedd elections. An election address means a copy of the free postal communication document as approved by the Royal Mail.

For principal local authority elections, regulation 10 provides that candidates or a candidate's election agent may submit a candidate statement to be published on the platform. These are short statements about the candidate detailing the reasons why they are seeking election.

Regulations 16 provides that no person is to incur any civil or criminal liability in respect of the publication of the content of an election address or candidate statement on the platform, other than:

- (a) the candidates or candidate to whom the election address or candidate statement relates, and
- (b) the election agent for the candidate or for the registered political party, which has submitted a list of candidates for a constituency, to which the election address or candidate statement relates.

**8. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd;**

Part 2 of the Explanatory Memorandum contains a Regulatory Impact Assessment (**RIA**) for these Regulations. Paragraphs 22 and 23 deal with estimated costs. It states that these are likely to fall into two categories: (1) resource within the EMB, and (2) costs of a 3<sup>rd</sup> party service provider to design and build the platform.

In respect of the latter, the RIA estimates initial set up costs of £750,000 - £1m incurred in 2025-26, with annual maintenance estimated at £80,000-110,000 starting from 2026-27.

It further states that additional costs may be incurred as the platform develops, but that the actual costs are "*unknown at this stage and cannot be estimated due to the specialist nature of this work and commercial sensitivity*".

## Welsh Government response

A Welsh Government response is required for technical points 1-5 only.



## Committee Consideration

The Committee considered the instrument at its meeting on 17 February 2025 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament

**Legislation, Justice and Constitution Committee**