

Draft Senedd Cymru (Representation of the People) Order 2025

Recommendations

- Recommendation 1.** We recommend that the Welsh Government identifies and engages relevant organisations on the design of the ballot to ensure it is fully accessible to people who may experience barriers to exercising their franchise, as a consequence of the changes to the electoral arrangements for Senedd elections.....5
- Recommendation 2.** We recommend that the Welsh Government ensures that any ‘grace period’ provided in the Senedd Cymru (Representation of the People) Order 2025, for prospective Members to take up a seat once a vacancy occurs, is suitably informed by robust consultation including, in particular, the views of electoral administrators..... 8
- Recommendation 3.** We recommend that the Welsh Government ensures that appropriate measures are in place to eliminate, or significantly reduce, the risk that a prospective Member is disqualified from being a Member of the Senedd as a result of them providing written confirmation of their intention to take up a vacant Senedd seat before they have re-registered in the register of local government electors..... 9
- Recommendation 4.** We recommend that the Welsh Government updates the Senedd of any planned changes to the election timetable, and provides the Senedd with an opportunity to comment on any such changes at an appropriate stage in their development..... 10



Recommendation 5. We recommend that the Welsh Government provide the Senedd with the opportunity to comment on any proposed campaign expenditure limits prior to the Senedd Cymru (Representation of the People) Order 2025 being laid in the Senedd..... 14

1. Background

1. On 11 December 2024, the Senedd agreed to alter the remit of the Reform Bill Committee, to scrutinise matters referred to it by the Business Committee. This report presents our findings relating to the Welsh Government’s draft Senedd Cymru (Representation of the People) Order 2025, also known as “the draft Conduct Order”, which is the first matter referred to us by the Business Committee under our altered remit.

2. The Welsh Government has consulted on the draft Conduct Order, with the consultation closing on 17 February¹; our findings have been drawn to inform the Welsh Government’s further development of the draft Conduct Order, during this consultation phase.

3. A Conduct Order outlines the procedures for conducting elections to the Senedd. It details how the election and its campaign should be managed, and it also addresses the process for legal challenges to an election. The current Order is the *National Assembly for Wales (Representation of the people) Order 2007* (“the 2007 Order”). The Welsh Government previously committed to consult² on and remake a bilingual consolidated Order ahead of the 2026 Senedd election. The draft Conduct Order updates and consolidates existing provisions on the conduct of elections and implements a number of changes to reflect the changes to the electoral system since the 2021 Senedd election.

4. Our work in this area has focused predominantly on matters relating to the draft Conduct Order that were previously considered by the Reform Bill Committee and the Local Government and Housing Committee in relation to the following pieces of legislation:

- Senedd Cymru (Members and Elections) Act 2024;
- Senedd Cymru (Electoral Candidate Lists) Bill; and

¹ Welsh Government, [Consultation on the draft Senedd Cymru \(Representation of the People\) Order](#).

² Welsh Government, [Electoral administration and reform White Paper](#).

- Elections and Elected Bodies (Wales) Act 2024.

5. To inform our consideration of these matters we received a technical briefing from Welsh Government officials on 23 January 2025; this was followed by a scrutiny session with Jayne Bryant MS, Cabinet Secretary for Housing and Local Government (“the Cabinet Secretary”), who is responsible for the draft Conduct Order, on 5 February 2025.

6. Our findings are presented in the subsequent chapters. Where applicable, we have included reference to the previous work undertaken by a relevant Senedd committee, i.e. in its scrutiny of the aforementioned legislation, including any relevant committee recommendation/s.

2. Names of candidates on ballot papers

7. In our Stage 1 report on the Senedd Cymru (Members and Elections) Bill, we recommended that:

The Member in charge should bring forward amendments at Stage 2 to include a requirement on the face of the Bill that ballot papers must include the names of all candidates, including the names of candidates standing on lists submitted by registered political parties.³

8. During subsequent Stage 2 proceedings, the Senedd agreed an amendment⁴ to the Bill, tabled by Jane Dodds MS, to require the Conduct Order to provide for the ballot paper used at Senedd elections to include the names of the candidates who stand nominated in each constituency.

9. Rules 26(4)(a) and (b) of Schedule 5 to the draft Conduct Order prescribe that ballot papers must contain (i) the names of individual (i.e. independent) candidates and (ii) persons on the relevant party lists.

10. In her evidence session with us on 5 February 2025, the Cabinet Secretary confirmed that:

It's always the intention that the ballot paper would include the names of all candidates, including all candidates on a list, and thus reflecting how the

³ Reform Bill Committee, [Senedd Cymru \(Members and Elections\) Bill Stage 1 Report](#), January 2024, recommendation 15

⁴ Amendment 51, [Marshalled List of Amendments](#)

regional elections were presented in the past. The draft Order makes specific provision for the names of all candidates to be provided on the ballot paper.⁵

11. The draft Conduct Order will primarily be made under powers conferred by section 13 of the Government of Wales Act 2006 (“GoWA”). The Welsh Ministers are required⁶ to consult the Electoral Commission before making an Order under this section, which encompasses the design of the ballot paper. The draft Conduct Order states that the Welsh Government has consulted with the Electoral Commission.

12. Regarding the ballot paper, the Cabinet Secretary stated:

[...] in partnership with the Royal National Institute of Blind People and local authorities, we're undertaking some trials with blind and partially sighted people of various audio and tactile voting solutions using a mock ballot paper, based on the current regional ballot paper.

[...] although we're not testing the ballot paper as it appears in the draft Order, because it's out to consultation, it will provide a real insight into how blind and partially sighted voters might navigate a long ballot paper including all party list candidates.⁷

Our view

13. We are pleased to see that the draft Conduct Order makes specific provision to require the names of candidates to appear on the ballot paper. This is in line with recommendation 15 of our Stage 1 report on the Senedd Cymru (Members and Elections) Bill.

14. We were pleased to hear the Cabinet Secretary confirm the Welsh Government’s intention to work in partnership with the Royal National Institute of Blind People and local authorities to find voting solutions to support blind and partially sighted people to vote independently. This is an important step and one that is crucial in ensuring the ballot paper does not prohibit or deter blind and partially sighted people from casting their vote in the next Senedd election.

15. In addition to this engagement, we believe the Welsh Government should consider any additional engagement which may be conducted prior to the draft

⁵ RoP [para 76], 5 February 2025

⁶ [Political Parties, Elections and Referendums Act 2000](#)

⁷ RoP [para 84], 5 February 2025

Conduct Order being laid, which may further inform the design of the ballot paper. We note the Welsh Government has consulted the Electoral Commission, as it is required to do. However, given the forthcoming changes to the way in which Members of the Senedd will be elected – and the areas they represent, we believe further engagement should be considered to ensure the design of the ballot paper is fully accessible to all.

Recommendation 1. We recommend that the Welsh Government identifies and engages relevant organisations on the design of the ballot to ensure it is fully accessible to people who may experience barriers to exercising their franchise, as a consequence of the changes to the electoral arrangements for Senedd elections.

3. Opportunity to become registered as a local government elector in the event of a vacancy

16. In our Stage 1 report on the Senedd Cymru (Members and Elections) Bill, we recommended that:

The Member in charge should bring forward amendments at Stage 2 to provide a mechanism for a reserve candidate who would otherwise be eligible to take up a vacancy arising during a Senedd term to become registered in the register of local government electors at an address within a Senedd constituency. The mechanism should include provision for a reasonable time period within which the prospective Member would be required to meet the qualification.⁸

17. The intention behind this recommendation was to allow an individual who may have moved out of Wales during a Senedd term to have a ‘grace period’ in which they could re-register in the register of local government electors in Wales in order to take up a vacancy.

18. We raised concerns that a prospective Member could be automatically disqualified from filling a vacancy if they were not in the register of local government electors in a Senedd constituency at the point that a vacancy arose.

⁸ Reform Bill Committee, [Senedd Cymru \(Members and Elections\) Bill Stage 1 Report](#), January 2024, recommendation 39

- 19.** The Welsh Government’s response⁹ to our report accepted this recommendation in principle but noted that “*the most appropriate approach*” is to include provision in the new Conduct Order¹⁰.
- 20.** The response noted that the 2007 Order currently sets out that in the event of a regional vacancy the Returning Officer has such a period “as they deem reasonable” to consider whether attempts to contact a prospective Member have been successful and that once that period of time has elapsed, the Returning Officer moves to the next prospective Member on the list.
- 21.** The response stated that the Welsh Government intends to make similar provision in the new Conduct Order but rather than leave the matter to the discretion of each Returning Officer, it would standardise the period of time that a Returning Officer must afford a prospective Member before moving to the next prospective Member on the list.
- 22.** An amendment¹¹ was tabled by Darren Millar MS at the Senedd Cymru (Members and Elections) Bill’s stage 2 proceedings to provide for a prospective Member to not be disqualified if they become registered on the register within 21 days of the seat becoming vacant.
- 23.** The then Counsel General, Mick Antoniw MS, explained during stage 2 proceedings¹² that the Welsh Government would not be supporting the amendment and confirmed that revisions would be made to the Conduct Order to standardise the period of time that returning officers must observe before notifying the Llywydd of who would fill a vacancy. The amendment was withdrawn.
- 24.** Rule 75 of Schedule 5 to the draft Conduct Order deals with vacancies arising during a Senedd term. Paragraph 5 of Rule 75 requires the Returning Officer to advise the prospective Member of the date by which they must receive confirmation of whether they are willing to serve as a Senedd Member. This period must be 21 days from the date the Returning Officer contacts them.
- 25.** Explaining the reasoning behind the 21 day period, the Cabinet Secretary stated that:

⁹ [Letter from the Counsel General and Minister for the Constitution](#), 5 March 2024

¹⁰ The “new Conduct Order” referred to in chapter 3 of this report is the draft Senedd Cymru (Representation of the People) Order 2025, which is the subject of this report

¹¹ Amendment 38, [Marshalled list of Amendments](#)

¹² RoP [para 137], 5 March 2024

The 21-day period reflects the period that was provided for in the amendments tabled at Stage 2. Electoral administrators are being consulted as part of the development of this conduct Order and if their views are substantially different from that then we'll obviously take that into account as part of our consultation process as well.¹³

26. Under Rule 75(11) of Schedule 5 to the draft Conduct Order, once a prospective Member has stated in writing that they are willing to serve as a Member of the Senedd, the returning officer must notify the Llywydd without delay. Once that notification is received by the Llywydd, the effect of GoWA is that the prospective Member automatically becomes a Member of the Senedd on that day.¹⁴

27. Therefore, we believe the draft Conduct Order allows for a potential scenario whereby, in the event of a vacancy, a prospective Member could confirm their acceptance to take up the vacancy before re-registering in the register of local government electors (to the extent they were not already registered).

28. This is concerning as a person is disqualified from being a Member of the Senedd if they fall under any of the categories in Schedule 1A to GoWA, which includes the new requirement to be registered in the register of local government electors at an address within a Senedd constituency.

29. Given that a prospective Member automatically becomes a Member once the notification is received by the Llywydd, the effect of the draft Conduct Order and GoWA is that a prospective Member filling a vacancy would be returned as a Member and instantly disqualified unless they were registered in the register of local government electors when the Llywydd received the notification under section 11(3) of GoWA and Rule 75(11) of the draft Conduct Order. We note that the effect of such disqualification would be to void the return and render the seat vacant again.¹⁵

30. In response to our questioning around this, Ryan Price, Head of Senedd Reform Policy, Welsh Government (the Cabinet Secretary's official) stated that:

¹³ RoP [para 93], 5 February 2025

¹⁴ Under section 14 of GoWA, the term of office of a Member begins when the member is '*declared to be returned*'. Under section 11(8) of GoWA, a person who fills a vacancy is to be treated as having been declared to be returned on the day on which the Presiding Officer receives the notification by the Returning Officer of who is to fill the vacancy.

¹⁵ Section 18(1) of GoWA

[...] it is a possible scenario. I think certainly, in terms of the production of the Electoral Commission's guidance around this, these are the sorts of things that they seek to give clarity to that often are not necessarily made explicitly clear through the legislation itself.

[...] we can consider if there's any requirement or any need to change the conduct Order to provide for this, but I suspect a more practicable solution would be to ensure that, as we work with the Electoral Commission on the development of their guidance, that is made explicitly clear to a returning officer, so that when they write out to a prospective Member, asking if they are willing to take up the vacancy and providing this 21-day period, being very clear that the point at which they notify the RO that they are willing to take the vacancy is the point at which the RO will notify that to the Llywydd and take up the vacancy.¹⁶

Our view

Regarding the 21 day period, it is clear that the policy intention behind this is to provide a suitable 'grace period' which allows a prospective Member a sufficient period to re-register in the register of local government electors (in the event that they are no longer registered at the time when the seat becomes vacant) in order to take up a vacancy.

We have concerns over whether this 21 day period provides a sufficient amount of time for a prospective Member to return to the register of local government electors in practice. Whilst we appreciate the Cabinet's Secretary's clarification that the specific time period (of 21 days) was derived from a Stage 2 amendment, we believe the importance of this time period warrants rigorous assessment and should be duly informed by consultation with electoral administrators, to ensure it is a feasible and reasonable timeframe for a person to become re-registered.

Recommendation 2. We recommend that the Welsh Government ensures that any 'grace period' provided in the Senedd Cymru (Representation of the People) Order 2025, for prospective Members to take up a seat once a vacancy occurs, is suitably informed by robust consultation including, in particular, the views of electoral administrators.

We also have concerns around the potential scenario whereby a prospective Member would be instantly disqualified from being a member, in the event that they agreed in writing to take up a seat before re-registering in the register of

¹⁶ RoP [para 102], 5 February 2025

local government electors. We note the view expressed by the Cabinet Secretary's official, that this issue may be most suitably addressed in the guidance which is issued to returning officers. This is a serious issue which, if not suitably resolved, could cause significant disruption to the process for filling vacant Senedd seats.

Recommendation 3. We recommend that the Welsh Government ensures that appropriate measures are in place to eliminate, or significantly reduce, the risk that a prospective Member is disqualified from being a Member of the Senedd as a result of them providing written confirmation of their intention to take up a vacant Senedd seat before they have re-registered in the register of local government electors.

4. Election Timetable

31. As part of our work on the Senedd Cymru (Electoral Candidate Lists) Bill, we considered the wider electoral timetable, and received evidence from the Association of Electoral Administrators (AEA), which called for the current 25-day timetable to be expanded to support both the implementation of the quotas (which the Welsh Government had proposed an additional three days for) and to generally reduce risks and increase capacity.

32. The AEA proposed¹⁷ a 33-day timetable (incorporating the three additional days for candidate quota checks) for the 2026 Senedd election. Whilst the three additional days would no longer be required, the AEA has been calling for a 30-day timetable for elections across the UK since 2021.

33. In our stage 1 report on the Senedd Cymru (Electoral Candidate Lists) Bill¹⁸, we supported the AEA's alternative timetable to assist with the successful delivery of the election but acknowledged that any changes to the electoral timetable would need careful consideration and assessment of their impacts. We noted that in particular any changes should avoid exacerbating any existing barriers to standing for election, such as increasing the number of days of unpaid leave that candidates must take.

34. The draft Conduct Order maintains the existing position of a 25-day timetable for Senedd elections, as set out in Part 1 of Schedule 5 to the draft Conduct Order.

¹⁷ Responses may be found in full on the [consultation webpage](#).

¹⁸ Reform Bill Committee, [Senedd Cymru \(Electoral Candidate Lists\) Bill Stage 1 Report](#)

35. On the election timetable, Michael Kay, Deputy Director, Election Division, Welsh Government (the Cabinet Secretary's official) stated during the evidence session that:

I think it's one of those areas that would be quite a noticeable change. It would change the deadline for applying for a postal vote, for party nominations and so on. So, I think it's not something that we'd really thought would be helpful to do unilaterally for the Senedd elections in this instance. It's not something that we've got an in-principle objection to, but I think it's partly about thinking in the round around what our expectations of administrators, of voters, of political parties and other candidates are. So, it's not something that we've looked at with regard to this. It is something that we're open to. We know that the UK Government is considering any changes that it could make to electoral law, so these are ongoing conversations we're having with the UK Government, and it might be that there is scope to move in lockstep with other elections.¹⁹

36. The Cabinet Secretary also explained that the Welsh Government are “*very keen to hear about this from people responding to [the consultation]*” and that they “*are aware of the AEA's views*”.

Our view

We are pleased to see that the Welsh Government is conscious of the AEA's views in relation to the election timetable and remain open to any information received during its consultation in relation to this matter. We are also pleased that the Welsh Government intends to continue dialogue with the UK Government, with a view to ensuring consistency across UK Parliament and Senedd elections. We believe this dialogue is of paramount importance and would expect to see this continue, with a view to ensuring processes around Senedd and UK Parliament elections remain consistent wherever possible/appropriate.

Recommendation 4. We recommend that the Welsh Government updates the Senedd of any planned changes to the election timetable, and provides the Senedd with an opportunity to comment on any such changes at an appropriate stage in their development.

¹⁹ RoP [para 113], 5 February 2025

5. Election campaign expenditure

37. Provisions relating to election expenditure are dealt with separately for political parties and for individual candidates.

38. The expenditure of candidates standing on a political party list is treated as party expenditure and is therefore accounted for under the Political Parties, Elections and Referendums Act 2000.

39. The rules around the expenditure of individual candidates are provided for in the Conduct Order.

40. Under the current Senedd electoral system, there are three different limits:

- **Candidate constituency limits (CCL)** – each candidate can incur election expenses of up to £8,700, plus an amount of either 6p (for a borough constituency) or 9p (for a county constituency) per elector in that constituency;
- **Party constituency limits (PCL)** – a registered political party may incur up to £10,000 for every constituency in which it is standing a candidate; and
- **Party regional limits (PRL)** – a party may incur up to £40,000 for every region in which it is standing a list.

41. If a political party stood in each of the 40 constituencies and each of the five regions, this would result in a total national limit of £1,147,493. However, whilst the party expense limits are applied nationally (i.e. they do not have to be spent in a particular constituency), the candidate limits can only be used in that constituency and for that candidate.

42. An individual regional candidate can incur expenses up to the limit of the sum of the limits on constituency candidates for all constituencies in that region. This works out at £69,600 (8 x £8,700) plus 6p/9p per elector in each constituency.

43. The Senedd Cymru (Members and Elections) Bill was amended²⁰ at stage 2 to provide the Welsh Ministers with a power to set Senedd election campaign

²⁰ Amendment 81, [Marshalled List of Amendments 6 March 2024](#).

expenditure limits for political parties. Therefore, we did not consider this matter in our stage 1 work on the Bill.

44. As a result of this, the Welsh Ministers may by regulations amend paragraph 6 of Schedule 9 to the Political Parties, Elections and Referendums Act 2000 to set the limits applying to campaign expenditure incurred by or on behalf of a political party that contests one or more constituencies at a Senedd election. The regulations can only be made with the consent of the Electoral Commission.

45. During the Bill's stage 2 proceedings, the then Counsel General said:

Individual candidate expenditure limits will continue to be regulated through the Conduct Order, and, as the regulations are developed in respect of the changes to party campaign expenses, I will ensure that there is consistency, where appropriate, between candidate and party expenditure limits.²¹

46. The maximum limit for individual candidate expenditure is contingent on the decision being made by the Welsh Government on the maximum limit for political parties. That decision will therefore need to be made before the Conduct Order is laid (in draft form) before the Senedd. Article 48(3) of the draft Conduct Order has placeholder text awaiting the specification of the maximum amount for individual candidates.

47. In addition to aligning the campaign expenditure limits, the Welsh Government is also proposing to move to a single, longer 'regulated period' for the accounting of election expenses that would apply to both political parties and individual candidates.

48. Article 49 of the draft Conduct Order provides for this 'regulated period' to begin four months before the date of the poll in the case of an ordinary Senedd general election, or the date which falls four months before the date when the poll would have taken place (in case the date of the poll is brought forward under section 4(1) of GoWA).

49. For extraordinary general elections, the 'regulated period' would begin on the date that the Presiding Officer proposes a day for the poll. The 'regulated period' ends on the date of the poll for both types of elections.

²¹ RoP [para 302], 6 March 2024

50. In reference to campaign expenditure limits, the Cabinet Secretary's official stated that:

[...] we're currently working with the Electoral Commission on the regulations that will change the political party spending limits. Their consent is required in order to make those regulations, so we have taken the responses to the consultation.

[...] a couple of the options that are included in that consultation are whether party spending limits should be calculated purely by reference to the number of constituencies that a party is contesting, or should it also take into account the number of candidates that parties are standing on lists. I think the responses to that consultation were very broad, so we're currently working with the Electoral Commission to come to an agreed position on that that the regulations can give effect to.²²

51. Regarding the timeline for the introduction of the regulations, the official stated that:

[...] we're working broadly on the same timescales as the conduct Order, so we'll be looking to have the specific Order that makes the changes to party expenses before the summer. But as soon as we have an agreed policy position on what the parties' spending is, we'll be able to use that figure to effectively create the independent candidate spending limit that's in the conduct Order.²³

Our view

52. We recognise that the Welsh Government is currently in the process of developing the regulations which set party expenditure limits and that, once made, these regulations will inform the limits set for individual candidates in the Conduct Order. Whilst it is not for this committee to comment on the campaign expenditure limits themselves, we believe that – in light of the process and timeframe set out by the Cabinet Secretary and her officials – it would be beneficial if the Senedd was afforded an opportunity to comment on the proposed expenditure limits prior to their introduction. We understand that the timeframe may not allow for the Senedd to comment on the regulations themselves, prior to being laid before the Senedd; however, we encourage the Cabinet Secretary to share any decisions which are taken in relation to the

²² RoP [para 142], 5 February 2025

²³ RoP [para 143], 5 February 2025

prospective expenditure limits, whether in a statement or otherwise, at the earliest opportunity.

Recommendation 5. We recommend that the Welsh Government provide the Senedd with the opportunity to comment on any proposed campaign expenditure limits prior to the Senedd Cymru (Representation of the People) Order 2025 being laid in the Senedd.