

By-elections to the Assembly

Quick Guide

October 2013

Introduction

On 18 June 2013 Ieuan Wyn Jones, AM for Ynys Môn, announced that he would be resigning his seat rather than standing down at the next Assembly election in 2016. As he is a constituency AM this requires a by-election to be held to elect his successor. This Quick Guide provides information on the processes for holding a by-election; information about previous by-elections and what happens when a vacancy occurs in a regional seat. The Ynys Môn by-election was won by Rhun ap Iorwerth for Plaid Cymru.

Vacancy in a constituency seat

Section 10 of the *Government of Wales Act 2006* provides for the filling of a constituency seat which becomes vacant (for example, because of the resignation or death of a constituency AM).¹ Standing Order 1.8 allows an AM to resign his or her seat in the Assembly by **giving notice in writing** to the Presiding Officer. A vacancy occurs when the Presiding Officer receives a notice of resignation or otherwise when the Presiding Officer declares that the seat has become vacant.²

A by-election must be held on a day fixed by the **Presiding Officer** which must be within **three months** of the vacancy arising. The exception to this is if the earliest date the by-election could be held is within three months of an ordinary Assembly election, in which case the seat is kept vacant.

Once the Presiding Officer has declared the vacancy she **notifies the Returning Officer** of the Assembly constituency of the date.³

¹ *Government of Wales Act 2006 (c.32)* [accessed 18 June 2013]

² National Assembly for Wales Stranding Orders [accessed 18 June 2013]

³ *National Assembly for Wales (Representation of the People) Order 2007 UKSI236/2007, Schedule 5, Assembly Election Rules, 77 & 78* [accessed 18 June 2013]

Previous by-elections

The first Assembly by-election was in September 2001 following the death of Val Feld AM in July of that year. Val Lloyd AM was elected for the Swansea East constituency.

The second by-election was held after the death of Peter Law AM in May 2006. His wife, Trish Law, was elected to succeed him as AM for Blaenau Gwent in June 2006.

Timetable

Once the Returning Officer has been notified of the date the following timetable should be followed:

- Publication of notice of election not later than noon on the twenty-fifth day before polling day.
- Delivery of nomination papers before the nineteenth day prior to polling day.
- Delivery of notices of withdrawal of candidature not later than noon on the seventeenth day before polling day.
- Publication of statement of persons nominated, not later than noon on the sixteenth day before polling day
- Polling takes place between the hours of 7 in the morning and 10 at night on the day of election.

In computing any period of time for the purposes of the timetable certain days such as weekends and bank holidays are disregarded.⁴

By-elections may be held during recess.

Vacancies in regional seats

Section 11 of the *Government of Wales Act 2006* provides the machinery for filling a regional seat which becomes vacant (for example, because of the resignation or death of the Assembly regional member). If the seat which has fallen vacant was held by a candidate drawn from the list which a party had submitted at the previous general election, **the vacancy is filled by the next candidate on that list**, provided that person still wishes to be elected, and, in the case of a person who has ceased to be a member of the party, the party has not given notice that it does not wish that person to fill the vacancy.

A person who has, since that general election, been a candidate in a constituency by-election, is barred from taking up a regional vacancy as is a person who has previously been allocated a regional seat (and has, for example, ceased to hold that seat by reason of having resigned).

⁴ National Assembly for Wales (Representation of the People) Order 2007 UKSI236/2007, Schedule 5, Assembly Election Rules [accessed 18 June 2013] **The Electoral Registration and Administration Act 2013 has extended the timetable for Parliamentary elections. However, it is unknown when this will be implemented and whether Assembly Elections Rules will amended.**

If, for any reason, the vacant seat cannot be filled from a party's list (for example because all the candidates on the list have been exhausted or the only candidates who are left are barred from filling the vacancy) then the seat remains vacant until the next ordinary or extraordinary general election.

If the Assembly regional member whose seat has become vacant was elected as an individual candidate, as opposed to being drawn from a party list, there is no procedure for filling the seat and it remains vacant until the next ordinary or extraordinary general election.⁵

Previous regional vacancies

Following his resignation as First Secretary in February 2000, Alun Michael AM resigned his Mid and West Wales regional seat and was replaced by Delyth Evans AM in March 2000.

In 2001 Christine Humphreys AM resigned her North Wales regional seat for reasons of ill health. She was replaced by Eleanor Burnham AM.

In September 2002 David Jones AM replaced Rod Richards AM in the North Wales seat, following the latter's resignation.

In May 2010, Veronica German AM replaced Mike German AM in the South East Wales regional seat, following the latter resigning to take up a seat in the House of Lords.

Further information

For further information on the/about **By-elections to the Assembly**, please contact **Alys Thomas** (alys.thomas@Wales.gov.uk), Research Service.

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Author name Alys Thomas

⁵ *Government of Wales Act 2006 (c.32)* [accessed 18 June 2013]