



Llywodraeth Cymru
Welsh Government

Senedd Cymru (Electoral Candidate Lists) Bill

Explanatory Memorandum
incorporating the
**Regulatory Impact Assessment and
Explanatory Notes**

March 2024

Senedd Cymru (Electoral Candidate Lists) Bill

Explanatory Memorandum to the Senedd Cymru (Electoral Candidate Lists) Bill

This Explanatory Memorandum has been prepared by the Economy, Treasury and Constitution Group of the Welsh Government and is laid before Senedd Cymru.

Member's Declaration

In my view the provisions of the Senedd Cymru (Electoral Candidate Lists) Bill, introduced by me on 11 March 2024, would be within the legislative competence of Senedd Cymru.

Jane Hutt MS

Minister for Social Justice and Chief Whip
Member of the Senedd in charge of the Bill

11 March 2024

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PART 1 – EXPLANATORY MEMORANDUM

1. Description

1. The Senedd Cymru (Electoral Candidate Lists) Bill (“the Bill”) will implement the recommendations relating to gender quotas made in the report of the Special Purpose Committee on Senedd Reform,¹ published in May 2022.
2. The Bill will introduce integrated statutory gender quotas to the system used to elect Members of the Senedd (MSs). The Bill makes provisions which apply where a registered political party chooses to submit a list or lists of candidates for election to the Senedd. The Bill makes requirements about candidate list or lists submitted by those parties and the quota rules such lists must comply with.
3. The purpose of these reforms is to make Senedd Cymru (“the Senedd”) a more effective legislature for, and on behalf of, the people of Wales. To achieve this, the Bill aims to ensure the Senedd is broadly representative of the gender make-up of the population.
4. This Explanatory Memorandum has been prepared and laid in accordance with Standing Order 26.6.
5. It sets out the background to the provisions and scope of the Bill, and includes an assessment of the Bill’s financial implications, and a range of impact assessments.

¹ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022.

2. Legislative Competence

Senedd Cymru ("the Senedd") has the legislative competence to make the provisions in the Senedd Cymru (Electoral Candidate Lists) Bill ("the Bill") pursuant to Part 4 of the Government of Wales Act 2006 ("GoWA 2006") as amended by the Wales Act 2017.

3. Purpose and intended effect of the legislation

Context

6. The Special Purpose Committee on Senedd Reform was established in 2021 to consider the conclusions of the Committee on Senedd Electoral Reform and to make recommendations for policy instructions for Welsh Government legislation on Senedd reform. The Special Purpose Committee published its report, *Reforming our Senedd: A stronger voice for the People of Wales*,² in 2022. The report recommended that the Senedd should be elected with integrated statutory gender quotas.
7. In June 2022, the Senedd voted in favour of endorsing the Special Purpose Committee's report.
8. In July 2022, the Welsh Government formally responded³ to the Special Purpose Committee's report, stating it would prepare and introduce legislation to take forward the Special Purpose Committee's recommendations. The response noted that further policy and legal analysis would be undertaken where appropriate to determine the detail required to give effect to the recommendations, particularly in relation to the Committee's higher-level recommendations.
9. The Counsel General and Minister for the Constitution, Mick Antoniw MS, introduced the Senedd Cymru (Members and Elections) Bill (SCME Bill) on 18 September 2023. This was the first Bill in a package of reforms aimed at ensuring that the Senedd is a more effective legislature for, and on behalf of, the people of Wales. The SCME Bill has been prepared for the purpose of delivering the majority of the Special Purpose Committee's recommendations for Senedd reform. Its reforms include measures to increase the Senedd's capacity to deliver its responsibilities effectively and provisions to change the Senedd's electoral system so MSs are elected using a closed proportional list system with votes translated into seats via the D'Hondt method. The SCME Bill also provides a pathway for there to be further consideration of the practical and legislative implications of job-sharing within the Senedd, with a view to assessing the feasibility of job-sharing as a means of drawing in a more diverse range of candidates. The Welsh Government also remains committed to taking forward some of the other recommendations in the Special Purpose Committee report aimed at providing more transparency about the diversity of Senedd candidates and encouraging political parties to publish Diversity and Inclusion Strategies.
10. The Senedd Cymru (Electoral Candidate Lists) Bill is a further Bill within this package of reforms for the purpose of making the Senedd a more

² Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022.

³ The Welsh Government, [Response to the Report of the Special Purpose Committee on Senedd Reform](#), July 2022.

effective legislature that is better able to serve the people of Wales. Acknowledging that the Senedd does not currently mirror the make-up of the Welsh population in terms of gender, the Bill aims to ensure the Senedd broadly reflects the population it is seeking to represent and serve, in particular with regard to the representation of women.

11. Improving representation in the Senedd will enable it to more effectively:

- hold the Welsh Government to account;
- scrutinise, oversee, and improve policy, legislation and spending; and
- represent, respond to, and serve the people of Wales.

Background to the Bill

The Senedd and gender quotas

12. Gender quotas have featured consistently in the work of various expert groups which have been convened to consider electoral arrangements for the Senedd and diversity of representation.

13. The independent Expert Panel on Assembly Electoral Reform (2017) considered evidence relating to gender quotas and concluded that the election of a more diverse Senedd would enhance how it operates and how it represents the people of Wales. It drew attention to the fact that women constitute around 52% of Wales' adult population and were 'underrepresented' in the Senedd despite being a majority group.⁴

14. The Expert Panel referred to evidence indicating that over half of the world's nations use some form of electoral quota and that their use is increasing internationally.⁵ Further, it referred to research by Norris and Krook from 2011, which found that introducing gender quotas is an effective means of increasing the proportion of female elected members:

"Among the twenty OSCE countries registering the sharpest growth in the proportion of women in parliament during the last decade ... half had introduced legal quotas. By contrast, among the twenty OSCE countries lagging behind in growth ... none had implemented legal quotas."⁶

⁴ Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017, p. 117.

⁵ Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017, p. 118.

⁶ Norris, Pippa and Krook, Mona Lena for OSCE (2011), *Gender equality in elected office: a six-step action plan*, cited in Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), p. 118. The membership of the Organization for Security and Co-operation in Europe (OSCE) includes 57 countries from Europe, Asia and North America.

15. The Expert Panel recommended that a gender quota should be integrated within the electoral system and put in place for the 2021 election.
16. The Expert Panel considered how various types of electoral systems might be adopted in Wales and evaluated these systems against the principle of ensuring that the Assembly/Senedd is as representative as possible of the people of Wales. It concluded that a proportional list electoral system could operate effectively in Wales and that the following principles should apply:
- parties standing lists of regional candidates under such a system should be required to ensure that 50% of their candidates in each region are female and 50% are male
 - lists should be zipped (i.e. alternating women and men on candidate lists)
 - parties standing candidates in more than one region should ensure there is broad balance in terms of the number of lists headed by a woman and by a man.⁷
17. The Committee on Senedd Electoral Reform (CSER), which was established to examine the recommendations of the Expert Panel, published its report, *Senedd reform: The next steps*,⁸ in September 2020. The report states that the CSER was persuaded by the clear and compelling evidence that gender quotas... can increase the diversity of candidates and elected Members”.⁹
18. The Senedd’s Special Purpose Committee on Senedd Reform was established in 2021. Its remit was to consider CSER’s conclusions and make recommendations for policy instructions for Welsh Government draft legislation on Senedd Reform. It published its report, *Reforming our Senedd: A stronger voice for the People of Wales*,¹⁰ in May 2022. Reflecting the findings of the Expert Panel, the Special Purpose Committee unanimously concluded that ‘legislative gender quotas and mandatory zipping’ should be introduced as part of the new electoral list system.¹¹ The Special Purpose Committee also recommended that the new system ‘should include the rejection of candidate lists by Returning Officers as a sanction for non-compliance with legislative quotas’.¹² The Senedd voted in favour of endorsing the report on 8 June 2022.

⁷ Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017, p. 125.

⁸ CSER, [Senedd reform: the next steps](#), September 2020.

⁹ CSER, [Senedd reform: the next steps](#), September 2020, p. 133.

¹⁰ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, p. 43.

¹¹ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, p. 43.

¹² Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, p. 43.

19. The Expert Panel recognised that women are not a homogenous group. It noted that ‘people’s identities are multidimensional’ and acknowledged ‘the intersectionality of individuals’ identities’ within this underrepresented group.¹³ The Expert Panel stated that it:

“strongly believe[d] that the selection and election of a more diverse Assembly across the full range of protected characteristics would enhance the operation of the Assembly, and the way it works for and represents the people of Wales.”¹⁴

However, it argued that ‘a distinction’ could be drawn between gender and some other protected characteristics as while some groups ‘form a very small minority of the population’, women constitute a majority of the adult population ‘and are, therefore, an underrepresented majority’.¹⁵

20. The CSER stated that it had not:

“been able to gather sufficient evidence on which to reach a firm view as to whether diversity quotas would be an appropriate mechanism by which to achieve greater diversity within the Senedd. We believe that further work should be done on this matter in the Sixth Senedd, informed both by expert advice on the design and operation of diversity quotas and by working closely in partnership with underrepresented groups, including BAME communities in Wales and people with disabilities.”¹⁶

21. The Special Purpose Committee felt it had been unable to examine this issue in detail and that it could not therefore:

“recommend that quotas should be introduced for protected characteristics other than gender, and [did] not envisage such quotas being implemented alongside [its] recommendations for legislative gender quotas.”¹⁷

22. In December 2021, the Welsh Government’s refreshed Programme for Government, incorporating the Co-operation Agreement, committed to introducing ‘gender quotas in law’.¹⁸

¹³ Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017, p. 117.

¹⁴ Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017, p. 117.

¹⁵ Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017, p. 117.

¹⁶ CSER, [Senedd reform: the next steps](#), September 2020, p. 134.

¹⁷ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, pp. 50–51.

¹⁸ The Welsh Government, [Programme for government: update | GOV.WALES](#), p. 7.

The rationale for increasing female representation in the Senedd

Women are underrepresented in the Senedd

23. On the latest Census Day, 21 March 2021, there were 1,586,600 women (51.1% of the population) and 1,521,000 men (48.9%) in Wales.¹⁹
24. At the most recent Senedd election, held in May 2021, shortly after Census Day, 26 women (43%) and 34 men (57%) were elected. The current Senedd therefore does not reflect the gender balance within the Welsh population.
25. The gender balance within the Senedd has varied since the first Assembly/Senedd election was held in 1999. The 2003 election returned the highest proportion of female MSs, with 30 out of 60 (50%) elected Members being women. The lowest proportion of female Members was returned following the elections of 1999, 2011 and 2016, at which 25 out of 60 Members (42%) were women.
26. The table below sets out the proportion of women and men MSs returned at each election across all parties.

Table 3.1: Gender Balance in the Senedd following each election 1999–2021

Year of Senedd Election	Women Members		Men Members	
	Number	%	Number	%
1999	25	42%	35	58%
2003	30	50%	30	50%
2007	28	47%	32	53%
2011	25	42%	35	58%
2016	25	42%	35	58%
2021	26	43%	34	57%

27. The figures presented in Table 3.1 show that women are an underrepresented group in the Senedd and that this is a longstanding feature.
28. It is well-established by the academic literature that incumbents have an advantage over non-incumbent candidates at elections, both in settings

¹⁹ Office for National Statistics, [‘Population and household estimates, Wales: Census 2021’](#).

where first past the post systems²⁰ are used and where proportional representation systems²¹ are used.

29. Theory of change research published by the Welsh Government specifically identifies male incumbency as a barrier faced by women in the context of access to elected office. The research report notes that the costs of campaigning can be significant for women as they 'are more likely to have caring responsibilities, work part-time, and take career breaks to raise children' compared with men. The report also identified that 'fear of violence, abuse and harassment from the public ... [is] a significant barrier for women' standing for election in local elections.²²
30. A further concern in the context of Senedd elections is that men generally make up a greater proportion of the pipeline of new politicians compared with women, as was visible at the 2021 Senedd election at which 69% of the 470 candidates who stood for election were men.²³
31. As men typically outnumber women as candidates at Senedd elections, there is a risk that without the introduction of quotas the planned significant expansion of the Senedd, increasing the number of MSs from 60 to 96, will lead to a greater gender imbalance than at present.

Increased gender diversity within legislatures leads to improved representation

32. Greater gender balance within the Senedd would provide a number of benefits.
33. Much academic research has explored factors associated with the ways in which representation by women benefits democratic institutions and increases their effectiveness. A key finding from this literature is that women have different lived experiences compared with men and draw on their perspectives when representing citizens within legislatures.²⁴
34. Research shows that a gender balanced legislature can be a more effective legislature because of women's focus on different policy areas, their collaborative leaderships styles and their approaches to work. The evidence indicates that there are several benefits to be derived from

²⁰ Schleiter, Petra and Belu, Valerie (2018) 'Electoral incumbency advantages and the introduction of fixed parliamentary terms in the United Kingdom', *The British Journal of Politics and International Relations*, Vol. 20, Issue 2, pp. 263–84.

²¹ Redmond, Paul and Regan, John (2015) 'Incumbency advantage in a proportional electoral system: A regression discontinuity analysis of Irish elections', *European Journal of Political Economy*, Vol. 38, pp. 244–56.

Fiva, Jon H., and Røhr, Helene Lie (2018) 'Climbing the ranks: incumbency effects in party-list systems', *European Economic Review*, Vol. 101, pp. 142–156.

²² The Welsh Government (2022), '[Removing barriers to elected office for people with protected characteristics: theory of change \(summary\)](#)'.

²³ Senedd Commission, [Senedd Election 2021: Research Briefing](#), 2021.

²⁴ Philips, Anne (1995) *The Politics of Presence* (Oxford University Press).

women's representation in political institutions. Women in politics have been found to:

- Prioritise different policy and legislative matters
- Prioritise particular types of work
- Champion particular ways of working
- Drive a higher calibre of candidates overall
- Create role models in positions of political leadership
- Increase minority representation
- Decrease corruption and unethical activity.

35. Evidence relating to North America, Sweden, Latin America, Africa, and South Asia show that there is a difference between male and female citizens in terms of the issues they consider as most important, with women tending 'to report more concern about healthcare and poverty than men'.²⁵

36. Supporting this finding, international research also shows that there is a difference between legislators who are men and women in terms of the policy areas they tend to prioritise, with women typically placing a greater focus on 'women's rights, public health, and poverty alleviation'.²⁶ Research undertaken by Dr Minna Cowper-Coles for the Global Institute for Women's Leadership, which reviews the academic literature on the impact of gender and democracy, notes that female legislators 'see representing women as part of their role and legislate more than men on women's priority issues'.²⁷ It has also been suggested that the presence of women results in legislatures where there is 'a greater responsiveness to policies which are important to women'.²⁸ Dr Amanda Clayton finds that greater gender diversity leads to 'greater legislative attention to the

²⁵ Clayton, Amanda (2021) 'How Do Electoral Gender Quotas Affect Policy?' *Annual Review of Political Science*, p. 239.

Bhalotra, Sonia and Clots-Figueras, Irma (2014) 'Health and the Political Agency of Women', *American Economic Journal: Economic Policy*, Vol. 6, Issue 2, pp. 164– 97.

Clayton, Amanda; Josefsson, Cecilia; Mattes, Robert; Mozaffar, Shaheen (2019) 'In whose interest? Gender and mass-elite priority congruence in sub-Saharan Africa', *Comparative Political Studies*, Vol. 52, Issue 1, pp. 69–101.

Gottlieb, Jessica; Grossman, Guy; Robinson, Amanda Lea (2018) 'Do men and women have different policy preferences in Africa? Determinants and implications of gender gaps in policy prioritization', *British Journal of Political Science*, Vol. 48, Issue 3, pp. 611–36.

²⁶ Clayton, Amanda (2021) 'How Do Electoral Gender Quotas Affect Policy?' *Annual Review of Political Science*, p. 235.

Schwindt-Bayer, Leslie A. (2010) *Political Power and Women's Representation in Latin America*, Oxford University Press.

²⁷ Cowper-Coles, Minna (2021) '[Women political leaders: the impact of gender on democracy](#)', The Global Institute for Women's Leadership at King's College London and the Westminster Foundation for Democracy, p. 58.

²⁸ Ng, Edwin and Muntaner, Carles (2018) 'The effects of women in government on population health: An ecological analysis among Canadian provinces, 1976-2009', *Population Health*, Vol. 6, pp.141–48.

Swiss, Liam; Fallon, Kathleen M.; and Burgos, Giovanni (2012) 'Does Critical Mass Matter? Women's Political Representation and Child Health in Developing Countries', *Social Forces*, Vol. 91, Issue 2, pp. 531–58.

interests and priorities of women as a group'.²⁹ There is also evidence to suggest that gender quotas can lead to men becoming more engaged in policy areas traditionally prioritised by women.³⁰

37. There is some evidence to suggest that increased gender diversity leads to different, and in some cases improved, policy outcomes. A study by researchers in the United States using machine learning to analyse government spending levels showed that women influence policy once their proportion within a parliament reaches a 'critical mass'.³¹ The study found a link between the proportion of legislators who are women and the level of spending on areas including health and education. This is supported by wider evidence which suggests that having more women in politics leads to better health outcomes, including 'decreases in mortality rates' in Canada.³² Professor Liam Swiss and colleagues have presented a summary of the body of research that examines the practical effects of the presence of women in legislatures in developed countries. They state that 'an increase in women legislators leads to a prioritization in health, an increase in social policy spending, and a decrease in poverty'.³³

38. Research also suggests that there are differences between men and women in how they prioritise types of work as elected representatives. Studies show that women tend to undertake more constituency work than men.³⁴ They are also more successful in engaging with female constituents and women's organisations.³⁵

²⁹ Clayton, Amanda (2021) 'How Do Electoral Gender Quotas Affect Policy?'. *Annual Review of Political Science*, p. 235.

Schwindt-Bayer, Leslie A. (2010) *Political Power and Women's Representation in Latin America*, Oxford University Press.

³⁰ Franceschet, Susan (2011) 'Gendered institutions and women's substantive representation: female legislators in Argentina and Chile'. In *Gender, Politics and Institutions: Towards a Feminist Institutionalism*, ed. Mona Lena Krook and Fiona Mackay, Palgrave Macmillan, pp. 58–78.

³¹ Funk, Kendall D.; Paul, Hannah L.; and Philips, Andrew Q. (2021) 'Point break: using machine learning to uncover a critical mass in women's representation', *Political Science Research and Methods*, Vol. 10, Issue 2, pp. 372–90.

³² Ng, Edwin and Muntaner, Carles (2018) 'The effects of women in government on population health: An ecological analysis among Canadian provinces, 1976–2009', *Population Health*, pp.141–148.

Swiss, Liam; Fallon, Kathleen M.; and Burgos, Giovanni (2012) 'Does Critical Mass Matter? Women's Political Representation and Child Health in Developing Countries', *Social Forces*, Vol. 91, Issue 2, pp. 531–558.

Lee, YuJung Julia (2018) 'Gender, Electoral Competition, and Sanitation in India', *Comparative Politics*, Vol. 50, Issue 4, pp. 587–605.

³³ Swiss, Liam; Fallon, Kathleen M.; and Burgos, Giovanni (2012) 'Does Critical Mass Matter? Women's Political Representation and Child Health in Developing Countries', *Social Forces*, Vol. 91, Issue 2, pp. 531–558.

³⁴ Cowper-Coles, Minna (2021) '[Women political leaders: the impact of gender on democracy](#)', The Global Institute for Women's Leadership at King's College London and the Westminster Foundation for Democracy.

Holman, Mirya R., (2015) *Women in Politics in the American City*, Temple University Press.
Norris, Pippa (1996) 'Women Politicians: transforming Westminster?', *Parliamentary Affairs*, Vol. 49, Issue 1.

³⁵ Childs, Sarah (2002). 'Hitting the Target: Are Labour Women MPs 'Acting for' Women?', *Parliamentary Affairs*, Vol. 55, Issue 1, pp. 143–153.

39. Women champion particular ways of working, and these have a positive effect on the culture within legislatures. Women are more likely to co-sponsor bills with other women and to work collaboratively across the political divide on areas of mutual interest relating to their gender or connected to their gender, such as issues connected to family and social society.³⁶ Research also suggests that ‘women tend towards a leadership style that is more cooperative and inclusive, and which is less likely to enforce hierarchies’.³⁷
40. Research shows that gender quotas lead to the election of a better quality of politician overall. Professor Sir Timothy Besley and colleagues at the London School of Economics undertook a study on the introduction of gender quotas in Sweden. They reported that gender quotas lead to the election of women and men that are of a higher level of competence. As men are required to compete for places, male candidates who are more competent rise to the top. This means that weaker male candidates will no longer be able to enter office ahead of better qualified women rivals. In the context of the selection of electoral candidates, the study found that ‘a stricter [gender] quota raised competence, especially among men’.³⁸ A separate, cross-national study found that gender quotas are linked to higher levels of political experience and to more highly qualified legislators with professional backgrounds in law, economics and finance, and international affairs and diplomacy.³⁹
41. In 1994, candidate gender quotas were introduced to the system used to elect some members of the national parliament of Italy. Dr Ana Weeks and Professor Lisa Baldez conducted a study based on evidence relating to those elections and found that there was no basis for the claim that quotas lead to the election of less capable women. The study found that women elected through the quota ‘have more local government experience than other legislators and lower rates of absenteeism than their male counterparts’.⁴⁰ According to the study’s authors, these

Cowper-Coles, Minna (2021) ‘[Women political leaders: the impact of gender on democracy](#)’, The Global Institute for Women’s Leadership at King’s College London and the Westminster Foundation for Democracy.

³⁶ Clayton, Amanda (2021) ‘How Do Electoral Gender Quotas Affect Policy?’ *Annual Review of Political Science*, p. 242.

³⁷ Cowper-Coles, Minna (2021) ‘[Women political leaders: the impact of gender on democracy](#)’, The Global Institute for Women’s Leadership at King’s College London and the Westminster Foundation for Democracy, p. 48.

³⁸ Besley, Timothy; Folke, Olle; Persson, Torsten; Rickne, Johanna (2013) ‘Gender quotas and the crisis of the mediocre man: theory and evidence from Sweden’, *American Economic Review*, Vol. 107, No. 8, p. 2239.

³⁹ Aldrich, Andrea S. and Daniel, William T. (2020) ‘The Consequences of Quotas: Assessing the Effect of Varied Gender Quotas on Legislator Experience in the European Parliament’, *Gender and Politics*, Vol. 16, Issue 3, pp. 738–67.

⁴⁰ Weeks, Ana Catalano; Baldez, Lisa (2014) ‘Quotas and Qualifications: The Impact of Gender Quota Laws on the Qualifications of Legislators in the Italian Parliament’, *European Political Science Review*, Vol. 7, Issue 1, p. 119.

findings address ‘concerns that candidates nominated because of gender quota laws will be less qualified for office’.⁴¹

42. Professor Rainbow Murray of Queen Mary University London undertook a study examining the standard of elected representatives following the introduction of gender quotas in France. The study showed that while gender is ‘a barrier’ to their election, ‘women are as effective in the job as men ... reinforcing claims for the use of quotas to overcome entry barriers and negating claims that quotas produce second-rate parliamentarians’.⁴²
43. More gender-balanced representation is shown to strengthen the legitimacy of legislatures. Growth in the number of female parliamentarians can revitalize democracy, as there is evidence that interest in politics among women voters increases when there are more women candidates.⁴³ Studies by Atkeson and Carillo⁴⁴ and by Ulbig⁴⁵ show that greater female representation leads to an increase in trust in government. Atkeson and Carillo find that when there is an increased proportion of female legislators ‘women feel better about government’ and that ‘female descriptive representation has important benefits to a democratic society’.⁴⁶
44. Studies on legislative gender diversity emphasise the importance of having women in positions of political leadership because they serve as role models who can encourage other women and girls to follow their example. Researchers have found that ‘female leadership on the national stage can be of great importance in providing role models to future generations of women engaging in politics’.⁴⁷
45. Two studies by Professor David E. Campbell and Professor Chistina Wolbrecht of Notre Dame University in the United States show that having high-profile women in politics leads to increased political involvement by girls and young women. In the first study, they found that ‘the more that women politicians are made visible by national news

⁴¹ Weeks, Ana Catalano; Baldez, Lisa (2014) ‘Quotas and Qualifications: The Impact of Gender Quota Laws on the Qualifications of Legislators in the Italian Parliament’, *European Political Science Review*, Vol. 7, Issue 1, p. 119.

⁴² Murray, Rainbow (2010) ‘Second Among Unequals? A Study of Whether France’s “Quota Women” are Up to the Job’, *Politics & Gender*, Vol. 6, Issue 1, p. 93.

⁴³ Phillips, Anne (1998) *Politics of Presence*, Oxford University Press.

⁴⁴ Atkeson, Lonna Rae and Carillo, Nancy (2007) ‘More is Better: The Influence of Collective Female Descriptive Representation on External Efficacy’, *Politics and Gender*, Vol. 3, Issue 1, pp. 79-101.

⁴⁵ Ulbig, Stacy G. (2007) ‘Gendering Municipal Government: Female Descriptive Representation and Feelings of Political Trust’, *Social Science Quarterly*, Vol. 88, Issue 5, pp. 1106-1123.

⁴⁶ Atkeson, Lonna Rae and Carillo, Nancy (2007) ‘More is Better: The Influence of Collective Female Descriptive Representation on External Efficacy’, *Politics and Gender*, Vol. 3, Issue 1, p. 94 and p. 79.

⁴⁷ Clare McNeil, Carys Roberts and Charlotte Snelling (2017), [Power to the people? Tackling the gender imbalance in combined authorities and local government](#), Institute for Public Policy Research, p. 38.

coverage, the more likely adolescent girls are to indicate an intention to be politically active'.⁴⁸ In the second study, which examined data from over 20 European countries, they found that:

"where there are more female members of parliament (MPs), adolescent girls are more likely to discuss politics with friends and to intend to participate in politics as adults, and adult women are more likely to discuss and participate in politics."⁴⁹

Their findings demonstrate that:

"female politicians in democratic nations do function as true role models, inspiring women and girls to be politically active themselves. Women of all ages are more likely to discuss politics, and younger women become more politically active, when there are more women in parliament."⁵⁰

46. Another high-profile study from the United States demonstrated that:

"high-profile women exert substantively large positive effects on female candidates. ... [W]omen in major offices are crucial for women's representation ... [as] they amplify women's political voice by motivating more women to enter politics."⁵¹

47. Research by Professor Fabrizio Gilardi based on elections in Switzerland shows that newly elected women act as a catalyst for other women to seek election.⁵²

48. These research findings indicate that the increase in the number and proportion of women MSs could provide positive role models for women and girls in Wales, generate a pool of potential mentors who could support aspiring women candidates, and help normalise the idea that the role of an elected MS is viable for women.

49. Further, there is evidence from cross-national research that the introduction of gender quotas could benefit protected groups other than women. Research shows that quotas for women 'tend to increase the

⁴⁸ Campbell, David E. and Wolbrecht, Christina (2006) 'See Jane Run: Women Politicians as Role Models for Adolescents', *Journal of Politics*, Vol. 68, Issue 2, p. 233.

⁴⁹ Wolbrecht, Christina and Campbell, David E. (2007) 'Leading by Example: Female Members of Parliament as Political Role Models', *American Journal of Political Science*, Vol. 51, Issue 4, p. 921.

⁵⁰ Wolbrecht, Christina and Campbell, David E. (2007) 'Leading by Example: Female Members of Parliament as Political Role Models', *American Journal of Political Science*, Vol. 51, Issue 4, p. 936.

⁵¹ Ladam, Christina; Harden, Jeffrey J.; Windett, Jason H. (2018) 'Prominent Role Models: High-Profile Female Politicians and the Emergence of Women as Candidates for Public Office', *American Journal of Political Science*, Vol. 62, Issue 2, p. 369.

⁵² Gilardi, Fabrizio (2015) 'The Temporary Importance of Role Models for Women's Political Representation', *American Journal of Political Science*, Vol. 59, Issue 4, pp. 957–70.

percentage of minority women in politics'.⁵³ A study by Professor Melanie M. Hughes of Pittsburgh University of 'the election of women from more than 300 racial, ethnic, and religious groups across 81 countries ... [showed] that minority women do benefit from national gender quotas'.⁵⁴

50. There is a considerable body of evidence that the presence of women in legislatures is linked to lower levels of corruption. In her review of the academic research in this area, Dr Minna Cowper-Coles notes that the evidence indicates that women legislators 'play an important role in counteracting corruption'.⁵⁵ She goes on to explain that:

"The academic literature finds a clear link between having (more) women as representatives and lower levels of both [minor and more serious] types of corruption. This effect is found at all levels of government. ... At the parliamentary level, although female legislators have been found to be less corrupt as individuals, the effect of female representation in aggregate also has an impact on corruption, with greater overall representation of women in parliament decreasing levels of corruption."⁵⁶

51. Dr Chandan Kumar Jha and Professor Sudipta Sarangi of Louisiana State University conducted a study examining the effects of women in legislatures on corruption globally, drawing on data sources including the World Bank's Control of Corruption Index.⁵⁷ The study took into account a range of factors that are known to be linked to corruption, including countries' wealth levels and the extent to which they have a history of strong democratic institutions. They first examine countries globally and identify that 'women's presence in parliament [at the national level] has a causal and negative impact on corruption'.⁵⁸ To reinforce confidence in their findings, they then examine the effects of the presence of women in local government in 155 regions in 17 European countries and identify a similar pattern.

52. The World Bank has also conducted research examining the link between the presence of women in government and corruption. The study drew on data sources including the International Country Risk

⁵³ Clayton, Amanda (2021) 'How Do Electoral Gender Quotas Affect Policy?' *Annual Review of Political Science*, p. 247.

⁵⁴ Melanie M. Hughes (2011) 'Intersectionality, Quotas, and Minority Women's Political Representation Worldwide', *American Political Science Review*, p. 604 and p. 616.

⁵⁵ Cowper-Coles, Minna (2021) '[Women political leaders: the impact of gender on democracy](#)', The Global Institute for Women's Leadership at King's College London and the Westminster Foundation for Democracy, p. 11.

⁵⁶ Cowper-Coles, Minna (2021) '[Women political leaders: the impact of gender on democracy](#)', The Global Institute for Women's Leadership at King's College London and the Westminster Foundation for Democracy, p. 51.

⁵⁷ Jha, Chandan Kumar and Sarangi, Sudipta (2015) 'Women and Corruption: What Positions Must They Hold to Make a Difference?', *Journal of Economic Behavior and Organization*, Vol. 151, pp. 219–33.

⁵⁸ Jha, Chandan Kumar and Sarangi, Sudipta (2015) 'Women and Corruption: What Positions Must They Hold to Make a Difference?', *Journal of Economic Behavior and Organization*, Vol. 151, p. 219.

Guide's corruption index (CORRUPT) and found that 'higher rates of female participation in government are associated with lower levels of corruption'.⁵⁹ The researchers noted that the:

"results suggest that there may be extremely important spinoffs stemming from increasing female representation: if women are less likely than men to behave opportunistically, then bringing more women into government may have significant benefits for society in general."⁶⁰

53. The findings of an international body of research on gender diversity in legislatures set out above indicate that increasing gender diversity within the Senedd could provide several benefits. A more diverse Senedd will be a more effective Senedd, as the changes could lead to richer and better scrutiny and decision-making. The changes could strengthen the legitimacy of the Senedd as a representative body, with greater public engagement and trust. This increase in trust could be further reinforced by the tendency of women to strengthen the foundations of democratic institutions by promoting probity and integrity within public life. The changes could also potentially facilitate greater diversity in the context of characteristics other than gender.

Rationale: introducing statutory gender quotas

The use of gender quotas worldwide

54. Research indicates that the implementation of statutory gender quotas is an effective means of increasing women's representation in legislatures.⁶¹ Evidence published by the European Institute for Gender Equality in 2021 shows that the 11 European Union Member States which have legislative gender quotas increased the share of women in their parliaments almost three times faster than countries without quotas.⁶² A worldwide study on the effects of introducing gender quotas found that their introduction 'on average ... nearly double[s] women's parliamentary representation in the first election cycle'.⁶³ In 2018, the Wales Governance Centre and London Metropolitan University published a report commissioned by the Senedd's Independent Remuneration

⁵⁹ Dollar, David; Fisman, Raymond; Gatti, Roberta (1999) '[Are women really the "fairer" sex: corruption and women in government](#)', *Policy research report on gender and development working paper series*, No. 4, Washington, D.C.: World Bank Group, unpaginated.

⁶⁰ Dollar, David; Fisman, Raymond; Gatti, Roberta (1999) '[Are women really the "fairer" sex: corruption and women in government](#)', *Policy research report on gender and development working paper series*, No. 4, Washington, D.C.: World Bank Group, unpaginated.

⁶¹ Clayton, Amanda, (2021) 'How do electoral gender quotas affect policy?', *Annual Review of Political Science*, Vol. 24, p. 236.

Hughes, Melanie M.; Paxton, Pamela; Krook, Mona Lena (2017) 'Gender quotas for legislatures and corporate boards', *Annual Review of Sociology*, Vol. 43, pp. 331–52.

⁶² European Institute for Gender Equality, [Quotas can turbocharge progress on gender balance in politics and business](#), May 2021; European Institute for Gender Equality, [Statistical brief: gender balance in politics 2020](#), May 2021.

⁶³ Clayton, Amanda and Zetterberg, Pär (2018) 'Quota Shocks: Electoral Gender Quotas and Government Spending Priorities Worldwide', *The Journal of Politics*, Vol. 80, Issue 3, p. 922.

Board which suggested that the presence of a quota would have a positive impact upon women's decision to stand for office.⁶⁴

55. Gender quotas are used in over 130 countries worldwide and 'now exist in a majority of national legislatures worldwide'.⁶⁵ According to Dr Amanda Clayton of Vanderbilt University:

"Electoral gender quotas exist in every region of the world and are found in a remarkably diverse set of countries. Sweden, the United Arab Emirates, Mexico, and Rwanda, for example, all have highly effective gender quotas that ensure near equal representation of men and women in their parliaments."⁶⁶

56. Beyond increasing the number of women elected to the legislature, the research indicates that the use of gender quotas can lead to more women taking on senior leadership roles, including within Cabinet, as Committee Chairs or within their party.⁶⁷

Models of gender quotas

57. Statutory gender quotas are typically implemented either through the reserved seat model or through the candidate quota model.

58. Under the reserved seat model, a certain number or a fixed percentage of seats are set aside for women (or another type of demographic group).⁶⁸ For example, 60 seats out of 395 seats are reserved for women at elections to the Morocco's House of Representatives.⁶⁹ The proportion of seats reserved for women where the reserved seats model applies is often lower than is the case under the candidate quota model as it applies in some countries:

⁶⁴ Awan-Scully, Roger; Stirbu, Diana; Pritchard, Huw; Davies, Nye; Lerner, Jac (2018) [Unpacking Diversity: Barriers and incentives to standing for election](#), p. 6.

⁶⁵ Clayton, Amanda, (2021) 'How do electoral gender quotas affect policy?', *Annual Review of Political Science*, Vol. 24, p. 235. See also: Hughes, Melanie M.; Paxton, Pamela; Clayton, Amanda B.; Zetterberg, Pär (2019) 'Global gender quota adoption, implementation, and reform', *Comparative Politics*, Vol. 51, Issue 2, pp. 219–38.

Hughes, Melanie M.; Paxton, Pamela; Clayton, Amanda B.; Zetterberg, Pär (2019) 'Global Gender Quota Adoption, Implementation, and Reform', *Comparative Politics*, Vol. 51, Issue 2, pp. 219–38.

⁶⁶ Clayton, Amanda, (2021) 'How do electoral gender quotas affect policy?', *Annual Review of Political Science*, Vol. 24, p. 236.

⁶⁷ Clayton, Amanda, (2021) 'How do electoral gender quotas affect policy?', *Annual Review of Political Science*, Vol. 24, p. 242.

Krook, Mona Lena; O'Brien, Diana Z. (2012) 'All the President's Men? The Appointment of Female Cabinet Ministers Worldwide', *Journal of Politics*, Vol. 74, Issue 3, pp. 840–55.

⁶⁸ Htun, Mala (2004) 'Is Gender like Ethnicity? The Political Representation of Identity Groups', *Perspectives on Politics*, Vol. 2, Issue 3, pp. 439–58.

⁶⁹ Sobhani, Delana (2021) [Gender Quotas and Women's Political Representation: Lessons from Morocco](#), Georgetown Institute for Women, Peace and Security.

“Whereas reserved seat quotas are typically never greater than a third of parliamentary seats, several countries with either candidate quotas or voluntary political party quotas have parity thresholds, requiring that men and women comprise an equal number of candidates on party lists. Not surprisingly, countries with the highest representation of women in national parliaments often have parity quotas in PR systems (e.g., Bolivia, South Africa, and Norway).”⁷⁰

59. The reserved seat model is usually in operation in countries using first-past-the post electoral systems, and mainly in ‘countries throughout East Africa, the Middle East, and South Asia’.⁷¹ Research by Professor Mala Htun suggests that this model is best suited to ensure the representation of ethnic minorities rather than women.⁷²

60. The design of the mechanism used to reserve seats varies greatly from one setting to the next depending on the social context and the type of group for which representation is sought.⁷³ One disadvantage of some reserve seat quota designs is that the system could appear to interfere more significantly in the outcome of an election and in the choice of the electorate than a candidate-based quota model, where the quota is applied before votes are cast.

61. Under the candidate quota model, parties are required to include on their electoral lists a certain percentage of women. This type of gender quota is best suited to proportional representation electoral systems, is ‘popular in Western Europe’ and used in ‘almost all Latin American countries’.⁷⁴

62. A key benefit of applying a candidate gender quota is that women elected through such a system may be said to be more empowered than women elected in reserved seat systems. Dr Amanda Clayton explains that women elected through candidate quotas enter:

“more women-friendly environments than women in reserved seat systems ... [because women elected through a quota] are not distinguishable from other legislators, as all candidates are elected through the same party-wide lists. ... [This] may grant women in these quota regimes more influence and less stigma than “quota women” elected to reserved seats.”⁷⁵

⁷⁰ Clayton, Amanda, (2021) ‘How do electoral gender quotas affect policy?’, *Annual Review of Political Science*, Vol. 24, p. 238.

⁷¹ Clayton, Amanda, (2021) ‘How do electoral gender quotas affect policy?’, *Annual Review of Political Science*, Vol. 24, p. 237.

⁷² Htun, Mala (2004) ‘Is Gender like Ethnicity? The Political Representation of Identity Groups’, *Perspectives on Politics*, Vol. 2, Issue 3, pp. 439–58.

⁷³ Htun, Mala (2004) ‘Is Gender like Ethnicity? The Political Representation of Identity Groups’, *Perspectives on Politics*, Vol. 2, Issue 3, p. 440.

⁷⁴ Clayton, Amanda, (2021) ‘How do electoral gender quotas affect policy?’, *Annual Review of Political Science*, Vol. 24, p. 237.

⁷⁵ Clayton, Amanda, (2021) ‘How do electoral gender quotas affect policy?’, *Annual Review of Political Science*, Vol. 24, p. 245.

Evidence from South Asia speaks of how women elected through a reserved seats system are viewed by some as ‘occupying “charity” seats’.⁷⁶

Consistent with these research findings, the Special Purpose Committee envisaged that candidate gender quotas (through ‘mandatory zipping’) and a closed list proportional system would be introduced for Senedd elections.⁷⁷ The Expert Panel had previously recommended introducing a candidate-based model with male/female zipping and a single transferable vote (STV) electoral system.⁷⁸

Gender quotas and Senedd elections

63. Requirements regarding the proportion and placement of women on candidate lists have not been a feature of electoral systems in Wales to date.
64. Evidence relating to the use of voluntary gender quotas by political parties in Wales indicates that relying on parties implementing voluntary measures is unlikely to lead consistently to the election of a Senedd that reflects Wales’ gender make-up.
65. Voluntary gender quotas have only been used by some political parties and their use has only been partially successful in achieving the election of a balanced Senedd.
66. Since the establishment of the National Assembly in 1999, at least two of the main political parties have voluntarily applied quotas to their candidate selection processes. The CSER heard evidence indicating that the Senedd’s relative success since its establishment in achieving fairly high percentages of women representation compared with other elected institutions can be attributed in part to those parties’ implementation of voluntary gender quotas.⁷⁹
67. Voluntary quotas cannot be counted upon to secure a gender balanced Senedd. Not all parties apply quotas, and parties that do could cease to do so at any time, with the potential to result in a negative impact on the gender balance of the Senedd and in turn, its effectiveness. In countries where voluntary quotas are effective, all major political parties are committed to ambitious candidate quotas in relation to women’s representation, and quotas are applied consistently over a long period of time. To realise the policy aim of a more effective Senedd, by being more

⁷⁶ Khan, Ayeshan; Sana, Naqvi (2020) ‘Dilemmas of representation: Women in Pakistan’s assemblies, *Asian Affairs*, Vol. 51, Issue 2, p. 299.

⁷⁷ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, p. 43.

⁷⁸ Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017, p. 132.

⁷⁹ CSER, [Senedd reform: the next steps](#), September 2020, p. 88.

representative of the gender make-up of the population, it is considered necessary to make provision requiring all political parties to apply gender quotas.

68. The academic literature suggests that women face additional barriers compared to men when attempting to be selected as an electoral candidate because of bias within party selectorates. The evidence is mixed on the question of whether the broader electorate displays bias against candidates who are women at elections, suggesting that candidate selection processes are key to women's election prospects.
69. These considerations are particularly relevant in the context of Senedd elections, given that the vast majority of candidates (69%) at the 2021 election were men, suggesting that mandatory quotas to address the under-representation of women at the candidate stage, would be likely to result in a more representative Senedd in terms of gender, and in turn, realise the benefits (set out above) that are expected to flow from that.
70. Addressing the issue of bias within political parties, Dr Minna Cowper-Coles notes that several studies:

“point to a problem with the party chairs or selectorates who discriminate against women at the selection stage, because women are not seen to resemble the current party elite or fit the idea of the ideal candidate.”⁸⁰

Reviewing evidence presented in various studies, Dr Cowper-Cowles identifies 'bias against women at the point of candidate selection' to be a 'major barrier to women's entry into politics'.⁸¹

71. Dr Leah Culhane and Jemima Olchawski conducted a study of women's experiences of selection and election in the context of UK general elections for the Fawcett Society.⁸² The study found evidence of 'resistance from party members and the public to women as credible candidates' and evidence of 'explicit and implicit preferences amongst selectorates for male candidates'.⁸³
72. Research also provides evidence suggesting that 'women are placed lower down on candidate lists than men or in positions that are more difficult to win' in settings where closed list proportional electoral systems

⁸⁰ Cowper-Coles, Minna (2021) '[Women political leaders: the impact of gender on democracy](#)', The Global Institute for Women's Leadership at King's College London and the Westminster Foundation for Democracy, p. 21.

⁸¹ Cowper-Coles, Minna (2021) '[Women political leaders: the impact of gender on democracy](#)', The Global Institute for Women's Leadership at King's College London and the Westminster Foundation for Democracy, p. 42.

⁸² Culhane, Leah and Olchawski, Jemima (2018) '[Strategies for success: Women's experiences of selection and election in UK Parliament](#)', The Fawcett Society.

⁸³ Culhane, Leah and Olchawski, Jemima (2018) '[Strategies for success: Women's experiences of selection and election in UK Parliament](#)', The Fawcett Society, p. 36.

are used.⁸⁴ For example, Dr Berta Esteve-Volart and Professor Manuel Bagues examined the placement of women on party lists for elections to the Spanish Senate and found that political ‘parties tend to nominate candidates who are women to poorer positions on the ballot’.⁸⁵

73. There is mixed evidence regarding whether voters discriminate against women running for election. There is some evidence of gender-based bias. Dr Amy King and Professor Andrew Leigh of the Australian National University examined ‘whether female candidates face discrimination by the voting public’ in Australia. They find that candidates who are women face a ‘gender penalty’ and attribute this to a ‘bias’ among voters.⁸⁶

74. In contrast, Dr Leah Culhane and Jemima Olchawski note in their summary of research on UK general elections that ‘studies in the UK have shown that voters do not discriminate against women at the ballot box’.⁸⁷ Similarly, Professor Mona Lena Krook examined the body of research in this area internationally and noted that ‘in the case of gender, existing work is ambivalent as to the nature and effects of [voter] bias against female candidates’.⁸⁸ These findings suggest that the low proportion of elected representatives who are women may be best explained by bias against women by political parties at the candidate selection stage rather than because candidates who are women face discrimination from voters. This would suggest that candidate quotas for women would be likely to be an effective way of addressing the underrepresentation of women at the candidate stage, with a view to achieving a more effective Senedd by virtue of it being likely to be more representative of the gender of the population.

The intention: an overview of the Bill

75. The intention of the Bill is to make the Senedd a more effective legislature which it aims to achieve by strengthening the Senedd’s ability to represent the people of Wales. To achieve this, the Bill will introduce requirements in relation to candidate lists designed to maximise the chances of securing a Senedd which is broadly reflective of the gender make-up of Wales.

⁸⁴ Cowper-Coles, Minna (2021) ‘[Women political leaders: the impact of gender on democracy](#)’, The Global Institute for Women’s Leadership at King’s College London and the Westminster Foundation for Democracy, p. 22.

⁸⁵ Esteve-Volart, Berta, and Bagues, Manuel (2012) ‘Are women pawns in the political game? Evidence from elections to the Spanish Senate’, *Journal of Public Economics*, Vol. 96, Issues 3–4, p. 387.

⁸⁶ King, Amy and Leigh, Andrew (2010) ‘Bias at the Ballot Box? Testing Whether Candidates’ Gender Affects Their Vote’, *Social Science Quarterly*, Vol. 91, Issue 2, p. 324–43.

⁸⁷ Culhane, Leah and Olchawski, Jemima (2018) ‘[Strategies for success: Women’s experiences of selection and election in UK Parliament](#)’, The Fawcett Society, p. 42.

⁸⁸ Krook, Mona Lena (2018) ‘Electoral Systems and Women’s Representation’, in *The Oxford Handbook of Electoral Systems*, eds. Erik S. Herron, Robert J. Pekkanen, and Matthew S. Shugart, pp. 175–192.

76. The Bill is particularly focused on increasing the number of women MSs, given the fluctuating representation levels in the Senedd since 1999 and as women and girls constitute over 50% of the population of Wales and are an underrepresented majority.
77. The Bill will introduce candidate list requirements rather than requirements designed around the reserved seat model. The section that presents the research findings on the two models of gender quotas above set out some of the benefits of candidate quotas. As Dr Amanda Clayton observes, candidate quotas are best suited in countries using proportional representation electoral systems, as will be the case for Senedd elections following the implementation of the SCME Bill reforms, and are popular in Western Europe and South America.⁸⁹ Dr Clayton also explained that the candidate quotas model empowers women, granting women ‘more influence and less stigma than “quota women” elected to reserved seats’.⁹⁰ The Expert Panel⁹¹ and the Special Purpose Committee⁹² envisaged that candidate quotas would be introduced.
78. The model of candidate gender quotas set out in the Bill reflects the key features advocated by the Expert Panel and the Special Purpose Committee.
79. The Expert Panel considered the candidate quota model that would, in its view, be most effective if the Senedd were to adopt a proportional representation list electoral system and multimember constituencies. It believed that, with such a list system:
- “parties should be required to ensure that 50 per cent of their candidates in each constituency are female and 50 per cent are male, and that their lists are zipped... We would also expect parties to ensure, if they stand candidates in more than one constituency, that they seek to balance the number of lists headed by women and the number headed by men.”⁹³
80. The Special Purpose Committee developed this view, concluding:

“that legislative integrated gender quotas and mandatory zipping should be developed as part of the new list system... [and that] this should include the rejection of candidate lists by Returning

⁸⁹ Clayton, Amanda, (2021) ‘How do electoral gender quotas affect policy?’, *Annual Review of Political Science*, Vol. 24, p. 237.

⁹⁰ Clayton, Amanda, (2021) ‘How do electoral gender quotas affect policy?’, *Annual Review of Political Science*, Vol. 24, p. 245.

⁹¹ Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017, p. 132.

⁹² Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, p. 43.

⁹³ Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017, p. 147.

Officers as a sanction for non-compliance with legislative quotas.”⁹⁴

81. The recommendations of the Expert Panel, which were supported by international research and input from experts, have played a key role in informing the central components of the model presented in the Bill. Further desk-based research was undertaken to develop the high-level recommendations into detailed proposals. International research clearly indicates that certain factors are associated with effective gender quotas, namely (i) the percentage of women candidates and the proportion of women in first position on party lists; (ii) rules relating to where women are placed on individual lists and (iii) the enforcement mechanism. Alternative options for implementing candidate gender quotas, such as setting the minimum threshold for women candidates at a level lower than 50% or not placing requirements on parties to ensure at least half of candidates in first position on their lists are women, were not considered in detail as the international research makes clear that such measures would not be consistent with the Bill’s policy aims. The next sections provide more detail on the rationale for each element of the candidate quota model presented in the Bill.
82. Under the proportional electoral list system that will be introduced by the SCME Bill, it is considered that two key factors will shape the number of women being elected to the Senedd: the number of women presented as candidates by political parties and the positions in which women are placed on party lists.
83. Reflecting this, there will be two key features: a minimum threshold of women candidates and placement criteria which safeguard specific list positions for women.
84. Where a registered political party chooses to submit a list or lists of candidates for election to the Senedd, those lists will be required to comply with the quota rules. Where a party has more than one candidate on their list, at least half of the candidates must be women. The Bill also introduces requirements relating to the placement of candidates on party lists. A candidate on a list who is not a woman must be immediately followed on the list by a candidate who is a woman unless they are last on the list (vertical placement criteria). If a party submits lists in more than one constituency a woman must be in first (or only where it is a list of one) position on at least half of a party’s lists across Wales (horizontal placement criteria).
85. The requirements relating to the vertical placement criteria will apply to all registered political parties standing more than one candidate in a constituency (including if the party does not stand candidates in another constituency). The requirements relating to the horizontal placement

⁹⁴ Special Purpose Committee on Senedd Reform, *Reforming our Senedd: A stronger voice for the People of Wales*, May 2022, p. 43.

criteria will apply to all registered political parties standing one or more candidates in more than one constituency.

86. The combination of vertical and horizontal placement criteria increases the likelihood that the Members returned to the Senedd are broadly representative of the gender make-up of the Welsh population.
87. Independent candidates will only be able to stand for election as individuals. They will not be classed as a list for voting system purposes and will not be able to group together on one list. As only registered political parties can submit a list, the minimum threshold and the placement requirements provided for in the Bill will not apply to individual candidates.

Rationale: provision of information by candidates

88. The requirements of the system introduced by the Bill are based on all party list candidates being required to state at the nominations stage whether they are a woman or not a woman.
89. The provision of this information is necessary to ensure the effective implementation and enforcement of the candidate list requirements. The information will be provided by each candidate on a party's list and made available to:
- Political parties to enable them to arrange their lists in accordance with the vertical and horizontal requirements;
 - Constituency Returning Officers (CROs) to enable them to assess whether individual nominations and party lists are compliant with the vertical requirements.
90. In addition, the new National Nominations Compliance Officer (NNCO) will need to know whether the first (or only) candidate on a party's lists is a woman, or not, in order to assess whether political parties are compliant with the horizontal requirements.
91. The requirement for a candidate to state whether they are a woman or not provides the information necessary, but no more, to implement and enforce the system.

Rationale: minimum threshold set at 50%

92. At the most recent Senedd election in 2021, the proportion of candidates who were women was 31%, well below the proportion of women within the population. Male candidates accounted for 69% of the 470 candidates.⁹⁵

⁹⁵ Senedd Commission, [Senedd Election 2021: Research Briefing](#), 2021.

93. The Bill will require parties to ensure that at least half of the candidates on their lists are women, where a list features more than one candidate. This mechanism is known as a 'minimum threshold', with the threshold set at 50% for candidates who are women.
94. While parties will be required to ensure that at least 50% of their candidates are women, the remaining candidates can be any gender, including women, in any proportion.
95. If a list is made up of an odd number of candidates, the 50% minimum threshold will mean that there will need to be at least one more candidate who is a woman compared with candidates who are not women. No minimum threshold will apply if a party submits a list of only one candidate (although the horizontal placement requirement set out below would apply if the party presented a list in more than one constituency).
96. Minimum thresholds are commonly used to ensure that party lists more accurately reflect society, and their introduction has led to an increase in the number of women elected. For example, there was a 40% increase in the number of women elected in the Republic of Ireland (from 25 seats in 2011 to 35 seats in 2016) following the introduction of a threshold for women candidates set at 30% ahead of the 2016 general election.⁹⁶
97. A minimum threshold set at 50% for women is a proportionate quota in relation to the percentage of the Welsh general population who are women. It is anticipated that setting the threshold at this level will result in an increase in the number of women in the pipeline of potential MSs. A quota set at a lower level is unlikely to act as a mechanism that will lead to the election of a significantly higher proportion of women, given that 43% of the MSs elected at the most recent election in 2021 are women.
98. Given the low proportion of women candidates at Senedd elections historically, it is not anticipated that a minimum threshold for women set at 50% will result in party lists and a Senedd which are heavily overrepresented by women.
99. A minimum threshold set at 50% is considered to be a more effective means of realising the policy aim than a symmetric 50:50 men/women quota system based on a rigid zipping pattern proposed by the Special Purpose Committee.⁹⁷ Typically, symmetric quota systems require parties to alternate between men and women in a strict manner when placing candidates on lists. A symmetric quota therefore typically requires greater rigidity and prescriptiveness in the rules around the placement of the different genders on individual party candidate lists and across party

⁹⁶ Buckley, Fiona (2019) [Ireland's experience of parliamentary gender quotas](#).

⁹⁷ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, p. 43.

lists, resulting in less flexibility for parties in organising their lists ahead of the election.

100. Overall, a symmetric 50:50 quota system would carry a slightly higher risk of failing to secure a minimum of 50% representation of women in the next Senedd than the quota system proposed in this Bill. This is because a symmetric quota system provides no flexibility for parties to place women in successive positions on their lists where there is an expectation that candidates in those positions may win seats. A symmetric quota system would effectively place a ceiling on the number of women candidates who may stand, a feature which would appear to counter the aim of electing more women to the Senedd. Taken together, these considerations indicate that a system based on a minimum threshold set at 50% for candidates who are women would achieve the desired aims with less complexity and with greater flexibility for political parties than strict zipping.

Rationale: vertical placement criteria

101. This Bill will introduce a requirement that lists submitted by political parties must fulfil the vertical placement criteria when placing candidates on an electoral list. The requirement is that when a candidate who is not a woman is placed on a list, a woman must follow (other than when a candidate who is not a woman is placed in the final position on a list). A woman can be followed on a list by a candidate who is a woman or who is not a woman. This system allows parties to place more than one candidate who is a woman in succession on their lists.

102. While introducing a minimum threshold for women at 50% will lead to an increase in the proportion of candidates at Senedd elections who are women, the additional step of introducing placement criteria is required to help ensure that a greater proportion of the candidates returned as Members are the candidates who are women.

103. Under the new list-based proportional electoral system introduced by the SCME Bill, political parties will be able to put forward a list of up to 8 candidates in each of the 16 Senedd constituencies. With this type of system, the position in which women are placed on party lists greatly affects their chances of being elected. The intention in introducing placement criteria is to ensure that candidates who are women are placed on party lists in positions where they are typically at least as likely to win a seat as candidates who are not women.

104. Without the implementation of the vertical placement criteria, a party could place women in inferior positions on their lists. The result of this could be that a party fulfils the minimum threshold requirements by ensuring that at least 50% of its candidates are women, and yet a greater number of candidates who are not women are elected than candidates who are women. Such an outcome would not fulfil the purpose of the Bill

to create a more effective Senedd as it would not support the aim of improving the representation of women in the Senedd.

Rationale: horizontal placement criteria

105. While the vertical placement requirements will ensure that at least 50% of candidates on a list are women and that they are placed in 'winnable' positions on the list, it is still possible that a greater number of candidates who are not women than those who are women are returned as a consequence of a candidate who is not a woman being placed in first position on each list. If parties were to place a candidate who is not a woman in first position on lists routinely or even in every constituency, this could have a significant effect on the degree to which the Senedd would reflect the gender balance present in society. If no horizontal placement criteria were introduced alongside the vertical placement requirements, a party could elect up to 16 more candidates who are not women than those who are women.
106. To limit the risk that this could occur, the Bill will introduce a requirement to ensure that at least 50% of all the lists submitted by a party across Wales have a candidate who is a woman in first position. The candidate in first position on the remaining 50% of the party's lists can be a candidate who is a woman or a candidate who is not a woman. If a party presents an odd number of lists, the 50% rule would still stand, meaning that there would need to be at least one more list with a candidate who is a woman in first position than lists headed by a candidate who is not a woman. It was considered whether the horizontal criteria should be made to apply at a more local level. One option, for example, would be to informally twin two or more constituencies and place a requirement that a party should ensure that at least half of the lists in the set number of constituencies had a woman in first position. This option was discounted as it would have complicated the rules, imposed constraints on political parties with no obvious gain, and also potentially causing issues for parties not intending to stand candidates in all constituencies.
107. The introduction of the horizontal placement criteria will not eliminate the possibility that a greater number of candidates who are not women will be returned as MSs than women, but it will limit the degree to which this could occur. In the most extreme example, a party could fulfil the requirements of the minimum threshold and placement criteria and still see up to 8 more candidates who are not women elected than those who are women. This would occur where a party wins an odd number of seats in exactly half of the 16 new constituencies, wins an even number of seats in the other constituencies, and has placed a candidate who is not a woman in first position on the lists of each constituency where it wins an odd number of seats, while placing women in first position elsewhere. This extreme outcome is unlikely to occur in practice, either unintentionally or through intentional engineering by political parties.

108. It is envisaged that introducing a minimum threshold for women at 50% and vertical and horizontal placement criteria will maximise the chances of securing the election of a Senedd which reflects the general population of Wales in terms of its gender composition. Nonetheless it is still recognised that political parties have a key role to play through the candidate selection process and the formulation of constituency party lists in ensuring that women candidates are placed in winnable seats and in winnable constituencies if the legislation is to fully meet its purpose.

Rationale: enforcement of minimum threshold and placement requirements

109. To ensure compliance with the new requirements, it is considered necessary for the Bill to introduce a system of enforcement and potential sanctions for non-compliance.

110. The use of sanctions to support enforcement efforts is an approach commonly used in countries where gender quotas have been adopted. The type of sanctions that apply vary between countries, and contextual factors shape what type of sanctions are likely to be effective in each setting. In Wales, a sanctioning mechanism based on the rejection of party lists is expected to be the most effective. Under the system that applies in the Republic of Ireland, parties that fail to meet the electoral gender quota lose 50% of the state funding they would otherwise receive.⁹⁸ Such a sanctioning mechanism could not be expected to operate effectively in Wales as parties do not receive state funding in the way that they do in the Republic of Ireland and in some other countries.

111. The Bill will implement the SPC's recommendation that the new arrangements 'include the rejection of candidate lists ... as a sanction for non-compliance with legislative quotas'.⁹⁹

112. CROs will be responsible for verifying that a minimum of 50% of the candidates on each list have stated they are women and that the vertical placement requirements are met. These checks will be conducted as part of the current and well-established standard processes and procedures relating to electoral law. CROs already have powers to hold candidate nomination papers invalid where information is incomplete or non-compliant. Much in the same way, CROs will be able to hold nomination papers invalid on grounds of non-compliance with the requirements in this Bill.

113. The role of the NNCO will be created to oversee compliance with the horizontal placement requirements although decisions as to the validity of nomination papers and party lists will remain with the CROs. As this is a

⁹⁸ Buckley, Fiona (2019) [Ireland's experience of parliamentary gender quotas](#).

⁹⁹ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, p. 43.

new and unique role that is required solely for the purpose of implementing quotas, the Bill provides for the designation of this new officer by the Welsh Ministers. As is the case with the role of CROs, much of the operational detail relating to the practical steps that must or may be taken by the NNCO in order to assess compliance and resolve any issues of non-compliance will be set out in an Order made by the Welsh Ministers under section 13 of GoWA. In summary, it is intended that each CRO will submit to the NNCO information about the stated gender of the candidate in first place on each party's list in their constituency. The NNCO will then confirm whether a party's lists comply with the horizontal placement requirements. If a political party's lists do not comply with the horizontal placement requirements, the party may choose the list (or lists) to be reordered by the CRO(s) in accordance with specific rules that will be prescribed in an Order made under section 13 of GoWA, so that compliance is achieved. If a party does not choose a list (or lists) for CRO(s) to reorder, then one (or more, as necessary to achieve compliance) list would be chosen by the NNCO (most likely at random through the drawing of lots) and then reordered by the CRO(s) in accordance with specified rules so that compliance is achieved.

114. Much of the detail relating to how the enforcement process will work in practice will be set out in an Order made by the Welsh Ministers under section 13 of GoWA. The Order made under that power will set out, for example, how the CRO and NNCO will be expected to deal with the effect of the removal of candidates from a list (for example, as a result of death) in assessing a party's compliance with the vertical and horizontal requirements. The powers in the legislation also include powers for the Welsh Ministers to make specific provision in an Order under section 13 in respect of the right to inspect candidates' gender statements. Currently, restricted groups of people (including other candidates standing in the same constituency and their agents) are permitted to inspect nomination papers during the pre-electoral period.
115. The Bill provides the powers for these operational matters to be addressed through subordinate legislation, reflecting the current balance between matters covered in primary legislation and those provided for in an Order made under section 13 of GoWA.
116. Careful consideration has been given to the type of enforcement system that would be most appropriate in Wales. A different approach to enforcement will be taken at the constituency level compared with at the national level. This difference in approach is designed to appropriately balance the need for robust and effective enforcement with the need to act in a proportionate way to safeguard the outcome of an election. Ultimately, the desired outcome of compliance with the legislation will be achieved while being sensitive to some of the challenges that may be faced by parties in implementing the new legislation and the interests of all in ensuring the efficient and effective conduct of elections.

Rationale: implementing a review mechanism

117. The Senedd reform proposals originated from the Senedd itself, through the Expert Panel on Assembly Electoral Reform, the Committee on Senedd Electoral Reform, and latterly the Special Purpose Committee on Senedd Reform.
118. Whilst this is a Welsh Government Bill, its core purpose is to give legislative effect to the recommendation of the Special Purpose Committee on Senedd Reform, whose recommendations were endorsed by the Senedd in June 2022.
119. Therefore, whilst consideration was given to placing a reporting duty on the Welsh Ministers, it was determined by the Welsh Government that it is appropriate that any review of the operation and effect of the Act is undertaken by the Senedd.
120. The review provisions require the Llywydd to table a motion as soon as practicable (and no later than 6 months) after the first meeting of the Senedd, following the first general election held after the provisions in the Act establishing the quotas come fully into force. The Bill requires the motion to propose that the Senedd establish a committee for the purposes of carrying out a review of the operation and effect of section 1 of the Act and any related provisions made under section 13 of GoWA or under the Act itself. The motion must also propose that the committee must complete a report on the review no later than twelve months after the first meeting of the Senedd following that general election. If, following such a review, the committee lays a report before the Senedd, the Bill requires the Welsh Ministers to lay a statement setting out their response to the report. This approach to review is consistent with section 19 of the Senedd Cymru (Members and Elections) Bill and is intended to facilitate a coherent approach to reviewing the reforms implemented through the package of Bills brought forward as a result of the recommendations in the report of the Special Purpose Committee on Senedd Reform.

4. Consultation

121. The Special Purpose Committee's (SPC) report, *Reforming Our Senedd, A Stronger Voice for the People of Wales*,¹⁰⁰ set an ambitious timetable to implement Senedd reform in time for the next scheduled Senedd election in 2026. The Committee identified that legislation would need to be introduced as a matter of urgency if its proposals were to be implemented in time for the 2026 election.
122. Further, electoral administrators and political parties require time to prepare for the implementation of such changes, following the making of relevant legislation. The Gould Convention provides that all relevant legislation to an election, including secondary legislation, should be made at least six months prior to the notice of that election, to ensure there is sufficient time for changes to electoral law to be implemented appropriately.¹⁰¹
123. The Welsh Government stated in its response to the Special Purpose Committee's report that this tight timetable might potentially limit or curtail opportunities for pre-legislative scrutiny. This eventuality came to pass, and in the timescale available for developing the legislation it was not possible for the Welsh Government to undertake its own open public consultation on either the general concepts of Senedd Reform or a draft Bill.
124. Instead, the Welsh Government has undertaken targeted bilateral engagement with external stakeholders to discuss key policy considerations. This has included engagement with the Electoral Commission; the Senedd Commission; the electoral administrator community (including Returning Officer and Electoral Administrator representatives); academics in the field of diverse representation in politics; and a small number of third sector organisations. The Electoral Commission has also facilitated engagement with political party representatives on the high-level policy proposals. Discussions with academic experts, supported by desk-based research, has been instrumental in understanding the key success factors of quota systems across the world. Other discussions, in particular those with the electoral administrator community, have assisted in understanding how gender quotas can be effectively integrated into the existing electoral system in Wales with minimum negative impact.
125. The Welsh Government has also engaged with the Information Commissioner's Office on elements of the Bill relating to the privacy of people's information and with the Ministry of Justice on impacts on the justice system.

¹⁰⁰ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022.

¹⁰¹ The Gould Convention's origin is the report [Scottish Elections 2007: The independent review of the Scottish Parliamentary and local government elections 3 May 2007](#).

126. The Welsh Government will also undertake a public consultation on the Order that will be made under section 13 of GoWA and which will replace the current Order under that power: the National Assembly for Wales (Representation of the People) Order 2007 (known as the Conduct Order), which will provide the statutory basis for the 2026 election. This Order will implement many of the detailed aspects necessary to enforce the proposals, which are summarised in the Statement of Policy Intent that accompanies the Bill.

127. While the Welsh Government was not able to undertake its own public consultation, in developing the legislation it has considered the wealth of information on the public's views on Senedd Reform, as expressed in a series of consultations undertaken in recent years. It has also considered the findings of evidence provided by experts and practitioners. A summary of these consultations is detailed below.

A Parliament that works for Wales: The report of the Expert Panel on Assembly Electoral Reform, 2017

128. The Expert Panel on Assembly Electoral Reform was appointed by the Llywydd and Assembly Commission in February 2017, and tasked with making recommendations on several matters relating to Senedd elections.

129. The Expert Panel supplemented its own expertise by inviting targeted evidence from specialists, and by issuing a general invitation for interested individuals, groups and organisations, and the public, to share their views. The panel received 33 written submissions from individuals and organisations.

130. The Expert Panel concluded that the election of a more diverse Senedd would enhance how it operates and represents the people of Wales and that women were underrepresented in the Senedd. It recommended that a gender quota should be integrated within the electoral system and put in place for the 2021 election.¹⁰²

Creating a Parliament for Wales: A consultation undertaken by the Senedd Commission, 2018

131. In 2018 the Senedd Commission undertook a public consultation on the findings of the Expert Panel on Assembly Electoral Reform. The consultation, *Creating a Parliament for Wales*,¹⁰³ included questions on the Senedd's size and measures relating to its diversity. Of 1,340 responses to a question on diversity, 61% (820) said that they agreed

¹⁰² Expert Panel, [A Parliament the works for Wales: The report of the Expert Panel on Assembly Electoral Reform](#), November 2017.

¹⁰³ Senedd Commission, [Creating a Parliament for Wales: Consultation report](#), October 2018.

with the Expert Panel's recommendation that a change to the electoral system should be used to encourage the election of an Assembly that more accurately reflects the diverse nature of society in Wales. 30% of responses disagreed, while 9% said 'don't know'.¹⁰⁴

132. Of the 820 responses from those who wished to see the electoral system designed to encourage a more diverse Senedd, 47% stated this aim should be achieved through voluntary measures, while 26% claimed this should be achieved through more formal measures such as gender quotas. An unspecified number of respondents stated that voluntary measures should be introduced initially followed by a move towards formal gender quotas.¹⁰⁵

Senedd reform: The next steps – Committee on Senedd Electoral Reform, 2020

133. The Committee on Senedd Electoral Reform was established in September 2019 to examine the recommendations of the Expert Panel on Assembly Electoral Reform. The Committee's report,¹⁰⁶ published in 2020, was informed by six oral evidence sessions which were attended by 20 individuals and organisations and two stakeholder events, one focusing on the capacity of the Senedd and the other focusing on the diversity of the Senedd. In addition, 12 individuals and organisations provided written evidence to the Committee.

134. The committee reported it had:

“heard a range of views on diversity quotas, whether in respect of gender or other protected characteristics. Some stakeholders argued that such quotas should be integrated into the legislative framework underpinning the Senedd's electoral arrangements, others suggested that the voluntary adoption of quotas should be a matter for political parties, and some contended that quotas should not be used at all”.¹⁰⁷

135. Among those providing evidence was Dr Nicole Martin of the University of Manchester, who suggested that other under-represented groups or communities could benefit from the implementation of gender quotas:

“A gender quota will help ethnic minority women just as much as it might help white women, especially if there are targeted schemes towards potential ethnic minority candidates as well that will address that element of disadvantage and protected characteristics.”¹⁰⁸

¹⁰⁴ Senedd Commission, [Creating a Parliament for Wales: Consultation report](#), October 2018, p. 16.

¹⁰⁵ Senedd Commission, [Creating a Parliament for Wales: Consultation report](#), October 2018, p. 16.

¹⁰⁶ CSER, [Senedd reform: the next steps](#), September 2020.

¹⁰⁷ CSER, [Senedd reform: the next steps](#), September 2020, p. 126.

¹⁰⁸ CSER, [Senedd reform: the next steps](#), September 2020, p. 87.

136. The committee reported that:

“Many of those who have contributed to our work have argued in favour of the Expert Panel’s recommendation that candidate gender quotas should be integrated into the Senedd’s electoral arrangements.”¹⁰⁹

137. Among these, Professor Sarah Childs stated that:

“international evidence suggested that legislative quotas could be effective in moving towards gender-balanced representation, but acknowledged that they would not necessarily remove all barriers which hindered the election of a more diverse Senedd”.¹¹⁰

138. According to CSER’s report, the Women’s Equality Network Wales (WEN Wales):

“claimed that international evidence showed that legislative gender quotas could be a temporary measure to ‘fast-track’ women’s representation, by counteracting the effects of unconscious bias and structural sexism in political parties and institutions. Its view was that voluntary action alone would not deliver the required pace of change.”¹¹¹

139. The CSER report concluded that the Committee was “persuaded by clear and compelling evidence that gender quotas ... can increase the diversity of candidates”.¹¹²

The Special Purpose Committee on Senedd Reform

140. The Special Purpose Committee on Senedd Reform was a cross-party committee of MSs established on 6 October 2021. Its remit was to consider the conclusions previously reached by the Expert Panel on Electoral Reform and the Committee on Senedd Electoral Reform, and to make recommendations for policy instructions for a Welsh Government Bill on Senedd reform.

141. Among other matters, the Special Purpose Committee considered a range of measures to increase the diversity of the Senedd. The Special Purpose Committee ‘unanimously conclude[d] that legislative integrated gender quotas and mandatory zipping should be developed as part of the new list system’.¹¹³ Further, the Special Purpose Committee recommended that the new arrangements ‘should include the rejection of

¹⁰⁹ CSER, [Senedd reform: the next steps](#), September 2020, p. 126.

¹¹⁰ CSER, [Senedd reform: the next steps](#), September 2020, pp. 126–7.

¹¹¹ CSER, [Senedd reform: the next steps](#), September 2020, p. 126.

¹¹² CSER, [Senedd reform: the next steps](#), September 2020, p. 133.

¹¹³ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, p. 43.

candidate lists by Returning Officers as a sanction for non-compliance with legislative quotas'.¹¹⁴

142. This Bill has been developed to give effect to the Committee's recommendations on the introduction of gender quotas for Senedd elections.

¹¹⁴ Special Purpose Committee on Senedd Reform, [Reforming our Senedd: A stronger voice for the People of Wales](#), May 2022, p. 43.

5. Power to make subordinate legislation

The Bill contains provisions to make subordinate legislation and issue determinations. Table 5.1 (subordinate legislation) sets out in relation to these:

- (i).the person upon whom, or the body upon which, the power is conferred;
- (ii).the form in which the power is to be exercised;
- (iii).the appropriateness of the delegated power;
- (iv).the applied procedure; that is, whether it is “affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.

The Welsh Government will consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of consultation will be decided when the proposals have been formalised.

Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Senedd Cymru (Electoral Candidate Lists) Bill

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
1 <i>(proposed new section 7C(1) of GoWA 2006)</i>	Welsh Ministers	Order	This is not a new power but concerns the existing power in section 13 of GoWA (“to make provision about elections etc”) to provide that provision must be made in an Order under that section for the designation of a National Nominations Compliance Officer (NNCO). It is considered that this level of administrative detail is appropriate for subordinate legislation.	Affirmative	This is the existing procedure for the power in section 13 of GoWA.
1 <i>(proposed new section 7C(2)-(4) of GoWA 2006)</i>	Welsh Ministers	Order	This is not a new power but concerns the existing power in section 13 of GoWA to permit provision to be made in an Order under that section regarding the functions of the NNCO and a Constituency Returning Officer (CRO) in relation to ensuring compliance with section 7B as well as power to make provision about what steps must or may be taken in the event of lists being non-compliant with section 7B. Sub-section 7C(4) includes additional detail as to the type of provision that may be made under sub-sections 7C(2) and (3) and in particular	Affirmative	This is the existing procedure for the power in section 13 of GoWA.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			permits provision requiring or enabling a CRO to hold that a candidate no longer stands nominated. It is considered that this level of technical detail on compliance functions is appropriate for subordinate legislation dealing with electoral rules.		
1 <i>(proposed new section 7D of GoWA 2006)</i>	Welsh Ministers	Order	<p>This is not a new power but concerns the existing power in section 13 of GoWA to permit or require provision to be made in an Order under that section regarding a number of technical matters relating to the quota requirements. Specifically, provision may be made about the effect of removal of a candidate from a list on compliance with sections 7A and 7B. There must be provision for party list candidates to state whether they are a woman or not as part of the nominations process and there may be provision regarding the inspection of that information.</p> <p>As the detail of the process by which a person is validly nominated as a candidate is already in subordinate legislation, it is considered that this</p>	Affirmative	This is the existing procedure for the power in section 13 of GoWA.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			additional administrative detail is also appropriate for such legislation.		
3(1)	Welsh Ministers	Regulations	To ensure any amendments to legislation which are appropriate for the purpose of, in consequence of or to give full effect to any provision of the Bill can be made without the need for further primary legislation.	Negative, but affirmative if modifying primary legislation	It is appropriate that there is an additional level of scrutiny if primary legislation is amended, repealed, or modified.
4(2)-(3)	Welsh Ministers	Order	This is a commencement power only in relation to sections 1 and 2 of the Bill and includes power to make transitory, transitional and savings provisions and as such it is considered appropriate for secondary legislation.	No procedure	This is a commencement order and so it is considered appropriate for no procedure.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Regulatory Impact Assessment (RIA) summary

143. A Regulatory Impact Assessment has been completed for the Bill and it follows below.

144. There are no specific provisions in the Bill which charge expenditure on the Welsh Consolidated Fund.

145. The following table presents a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

Senedd Cymru (Electoral Candidate Lists) (Wales) Bill		
Preferred option: This Bill implements the recommendation of the Special Purpose Committee on Senedd Reform which reported in May 2022		
Stage: Introduction	Appraisal period: 2024-25 - 2031-32	Price base year: 2022-23
Total Cost Total: £21,000 Present value: £19,300	Total Benefits Total: £- Present value: £-	Net Present Value (NPV): £-19,300

Administrative cost

Costs:

Over the eight-year appraisal period, administrative costs are expected to fall on the Welsh Government and local authorities. The need to update Electoral Management Systems will result in transitional costs to local authorities of £18,000. The Welsh Government will incur the recurring cost of £1,500 at each election in relation to the designation of the National Nominations Compliance Officer (NNCO).

Transitional: £18,000	Recurrent: £3,000	Total: £21,000	PV: £19,300
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Cost-savings: No cost savings have been identified.

Transitional: £-

Recurrent: £-

Total: £-

PV: £-

Net administrative cost: £21,000

Compliance costs

No compliance costs have been identified.

Transitional: £-

Recurrent: £-

Total: £-

PV: £-

Other costs

No other costs have been identified.

Transitional: £-

Recurrent: £-

Total: £-

PV: £-

Unquantified costs and disbenefits

No unquantified costs and disbenefits have been identified.

Benefits

While the changes are envisaged to result in a number of benefits, it has not been possible to monetise these benefits at this stage. The Senedd will be better equipped to:

- represent and engage with the electorate
- hold the Executive to account
- draw on a more diverse range of lived experiences while scrutinising policy and legislation.

Total: £-

PV: £-

Key evidence, assumptions and uncertainties

There has been positive and constructive engagement with key stakeholders, including with an expert practitioner group of electoral administrators and local government finance officials (convened in collaboration with the Welsh Local Government Association) and with the Electoral Commission. Further details of the stakeholder engagement that has been undertaken as part of the work to legislate on reforming the Senedd can be found in the Explanatory Memorandum of the Senedd Cymru (Members and Elections) Bill.

7. Options

Options considered

146. The recommendations of the Special Purpose Committee on Senedd Reform were endorsed by the Senedd, and the Welsh Government has made a commitment to bring forward legislation to implement the recommendations. Therefore, the assessment of costs has been made on the basis of those proposals rather than on the basis of costing several high-level options. The two options presented in this RIA are therefore:

- Option 1: Business as usual
- Option 2: Implement the Senedd Cymru (Electoral Candidate Lists) Bill

8. Costs and benefits

147. The appraisal period for this Regulatory Impact Assessment covers 2024–25 to 2031–32. This period covers two Senedd election cycles and is therefore considered sufficient for the estimated costs to reach a steady state. It is expected that a steady state will be reached following the next Senedd election, which will be held during the 2026–27 financial year.

148. Unless otherwise stated, all costs have been rounded to the nearest £100. Some of the totals in tables may not sum due to this rounding. Costs have been discounted using HM Treasury’s central discount rate of 3.5%.

Option 1: Business as usual

149. This is the baseline option and as such there are no additional costs and benefits associated with this option. The additional costs and benefits of the proposed legislation have been assessed against this baseline.

150. It has not been possible to financially quantify the potential opportunity costs that could arise as a result of missing the opportunity to strengthen the gender diversity of the Senedd. Increasing the gender diversity of the Senedd is expected to lead to more effective representation. This, in turn, may reasonably be anticipated to maximise the value for money delivered through public expenditure, and thereby lead to financial savings.

151. Option 1 entails the existing ongoing costs in running elections, including the anticipated costs relating to the implementation of the Senedd Cymru (Members and Elections) Bill, as set out in that Bill’s Explanatory Memorandum.

Option 2: Implement the Senedd Cymru (Electoral Candidate Lists) Bill

152. The Bill will provide for:

- vertical and horizontal placement criteria for candidates on party lists
- candidates to state their gender as part of the nomination process
- the designation of a National Nominations Compliance Officer (NNCO)
- the horizontal compliance procedure

153. Detailed cost estimates to accompany the Bill have been developed, including in relation to its implications for the Welsh Government, local authorities, and the Electoral Commission. Value for money will continue to be given full consideration as the Welsh Government makes progress with delivering the reform and turns to implementation.

154. There are some costs that have already been incurred and are expected to be incurred in 2023–24 and in 2024–25, prior to the Bill receiving Royal Assent. As such, these are considered to be ‘sunk costs’ as they would be incurred, and not be recoverable, in the event the legislation did not receive Royal Assent. These are referenced for transparency but are not included as costs of the Bill. The quantifiable costs that fall to the Welsh Government in 2023–24 in relation to the broader programme of work on Senedd reform, as set out in the Explanatory Memorandum of the Senedd Cymru (Members and Elections) Bill, is £2.2m. This relates to preparation and delivery of legislation across the Senedd reform programme. The Senedd Cymru (Electoral Candidate Lists) Bill is undertaken as part of this broader programme.
155. Transition costs of £18,000 are expected to arise in the year 2025–26, which is the year prior to the next scheduled Senedd election, and these will fall on the Welsh Government. Additional administrative costs will arise at the first Senedd election at which the provisions could apply, which is in financial year 2026–27, and no further additional administrative costs are expected at subsequent Senedd elections. Therefore, a ‘steady state’ for costs is envisaged from 2027–28.
156. To the extent that a fee may be set for the NNCO to recover costs for services rendered at a Senedd election, the decision regarding the level at which this is set will be a matter for Ministers once the Bill is enacted. The costs presented in the RIA are presented as estimates.
157. The RIA attempts to provide the best estimate of likely costs as a result of the Bill and there are no known factors which could impact on the estimates (either in terms of costs or savings) when subsequent decisions have been taken.

Costs and savings for local authorities

158. No cost savings for local authorities were identified, relative to taking no action (Option 1: business as usual).
159. Local authority officials play a key role in the administration of Senedd elections. The Welsh Government funds local authorities for the administration of Senedd elections. For transparency, these are the costs and savings that would be seen in the administration of elections by local authorities, that ultimately fall to the Welsh Government.
160. The Welsh Local Government Association (WLGA) was asked to assist Welsh Government officials to identify the net financial impacts of the changes made to the administration of elections. Specifically, the WLGA was asked to provide an estimate of the additional costs or savings relative to the status quo that would result directly from the Bill’s provisions.

161. As part of this exercise, an expert working group was formed of local authority representatives, including former and current regional returning officers and electoral services managers. The WLGA working group identified the areas of activity and spend that would be affected.
162. The working group considered whether any additional costs would arise as a result of the changes made to the role of Constituency Returning Officers (CROs). The working group did not envisage that there would be a change in the costs relating to the role of CROs specifically due to the Bill's provisions. Any training requirements could be accommodated within the training sessions that would take place in preparation for a forthcoming election in any case. Note that the Explanatory Memorandum of the Senedd Cymru (Members and Elections) Bill sets out that training costs for CROs are envisaged to increase by £1,300 to reflect the need for familiarisation with the amended system introduced by that Bill.
163. Changes to the Electoral Management Systems (EMS) will be required to support the new compliance activity that will be needed due to the introduction of candidate gender quotas. It is anticipated that the majority of these changes will be relatively small and can be carried out as part of the contracted service provided by the three suppliers. Based on previous experience of EMS changes, it has been estimated that the required work will cost approximately £18,000 across the three suppliers. This estimate will be subject to negotiation and contractual agreement with suppliers and depend on the scale of the electoral management system changes required. The contracts with suppliers are held by local authorities and therefore the costs identified fall to them.
164. Due to work needing to be undertaken in advance of the election, costs relating to EMS changes would likely be incurred in 2025-26.
165. No further costs or savings relating to the administration of elections arising specifically from the Bill's provisions and falling to local authorities have been identified.

Table 8.1: Summary of local authority costs

Transitional cost (incurred in 2025 – 26)	
Electoral Management System	£18,000

Costs and savings for the Welsh Government

166. No cost savings for the Welsh Government were identified, relative to taking no action (Option 1: business as usual).

167. The WLGA expert working group considered whether costs are likely to arise from the designation of an NNCO. The holder of this new post will support compliance activity in the context of the horizontal placement criteria. The stakeholder group anticipated that the responsibilities relating to this role and the time required to fulfil the role's requirements would be considerably more limited than in the case of a CRO. Policy decisions would need to be taken in respect of the appropriate limits for NNCO fees for the next and future elections. For the purpose of this assessment and to provide a best estimate, using latest CRO and Regional Returning Officer fees as a comparison, to the extent that a fee may be set for the NNCO to recover costs for services rendered at a Senedd election, this is estimated as £1,500 per election but could be subject to some variation. These costs would fall on the Welsh Government.

168. The costs falling to the Welsh Government in relation to the designation of an NNCO are expected to be incurred in the year of an election, which within the context of this Bill's appraisal period will be 2026–27 and 2030–31.

Table 8.2: Summary of the Welsh Government's costs

Year	2026–27	2030–31
WG revenue costs	£1,500	£1,500
Total	£1,500	£1,500

Costs to the Electoral Commission

169. The changes would require the Electoral Commission to update its guidance for candidates, parties, and electoral administrators, as well as its resources and information for voters. The Electoral Commission has estimated that the cost of developing and issuing guidance is £6,000. This is an on-going cost that will be incurred regardless of whether the provisions in this Bill are implemented, as the Electoral Commission views the provision of this guidance as being part of its existing responsibilities and functions. Therefore, no additional costs would be incurred as a direct result of the Bill. No cost savings were identified by the Electoral Commission.

Costs to Political Parties

170. Changes to the Senedd electoral system, including the introduction of candidate quotas, may give rise to additional costs as well as savings for political parties who are engaged in the electoral process in Wales. For example, political parties may need to adapt how they are organised, such as their candidate selection processes, in order to participate in the

new electoral system. However, these costs and savings would not be possible to quantify as the extent of the changes required would vary extensively between each political party. Individual parties vary in size, are organised differently, and have their own selection processes.

171. Some parties will have implemented voluntary quotas in the past, such as twinning or zipping, and therefore may be better prepared for implementation, while other parties will be embarking on quotas for the first time. Some parties will already be actively engaged in attracting and recruiting women candidates to stand for election, while others will have been less active in this respect.

172. Therefore, the starting point for each party, and the extent of changes required to adapt their own election process that may result in costs or savings, could differ greatly. In addition, there is also discretion in the extent to which political parties choose to participate in elections with respect to the number of constituencies and the number of candidates they put forward, which would have a significant bearing on any potential costs and savings. As these decisions are not as a direct result of the Bill and are yet to be taken by political parties, they are not possible to quantify and costs and savings are unknown at this stage. While there has been some engagement with the Senedd Political Parties Panel, convened by the Electoral Commission, on high level policy proposals, there has been no direct engagement with political parties on costs ahead of introduction of the legislation for the reasons given above.

Benefits

173. Changes arising as a result of the Bill are not envisaged to result in overall cost savings.

174. The changes are envisaged to result in non-monetary benefits, some examples of which are set out below.

175. Greater gender balance will potentially result in a Senedd that features a broader range of perspectives and a greater range of expertise. A Senedd that is better able to represent the people of Wales will be better equipped to hold the executive to account through its activity in scrutinising policy and legislation, including government budgets and bills. This can be expected to result in improved legislation and spending plans, which in turn would lead to better outcomes for the people of Wales. The Senedd makes decisions which affect the lives of every single person in Wales and these steps to improve the scrutiny of such decisions will result in better decisions and outcomes for the electorate.

176. The Auditor General for Wales¹¹⁵ and Professor Laura McAllister¹¹⁶ separately made the case while providing evidence to the Committee on Senedd Electoral Reform in 2020 that improved scrutiny can lead to cost savings that offset the additional cost of the expenditure necessary to take the steps required to improve scrutiny. These views supported earlier comments by the Silk Commission in its first report in 2012 that ‘Good scrutiny means good legislation, and good legislation pays for itself’.¹¹⁷
177. The Committee on Senedd Electoral Reform’s view was that ‘cost alone should not be an excuse for failing to invest in our democracy by ensuring that the Senedd’s electoral arrangements are appropriate’.¹¹⁸
178. In terms of broader benefits, the Explanatory Memorandum has set out findings from academic research indicating that trust in political institutions among women can increase when there are more women representatives,¹¹⁹ and that women and girls are more likely to take an active interest in political process when women representatives are more plentiful and visible.¹²⁰ Therefore, it can be expected that increasing gender diversity in the Senedd could lead to a more engaged and attentive public.
179. Overall, while the provisions in this Bill are not expected to lead to monetary benefits, there are a range of expected non-monetary benefits, as recognised by a range of sources.

¹¹⁵ Auditor General for Wales, [Letter to Committee on Senedd Electoral Reform](#), 15 May 2020.

¹¹⁶ CSER, [Senedd reform: the next steps](#), September 2020, p. 185.

¹¹⁷ The Silk Commission, [Empowerment and Responsibility: Financial Powers to Strengthen Wales](#), November 2012, p. 136.

¹¹⁸ CSER, [Senedd reform: the next steps](#), September 2020, p. 182.

¹¹⁹ Atkeson, Lonna Rae and Carillo, Nancy (2007) ‘More is Better: The Influence of Collective Female Descriptive Representation on External Efficacy’, *Politics and Gender*, Vol. 3, Issue 1, pp. 79-101.

Ulbig, Stacy G. (2007) ‘Gendering Municipal Government: Female Descriptive Representation and Feelings of Political Trust’, *Social Science Quarterly*, Vol. 88, Issue 5, pp. 1106-1123.

¹²⁰ Campbell, David E. and Wolbrecht, Christina (2006) ‘See Jane Run: Women Politicians as Role Models for Adolescents’, *Journal of Politics*, Vol. 68, Issue 2, pp. 233-47.

Wolbrecht, Christina and Campbell, David E. (2007) ‘Leading by Example: Female Members of Parliament as Political Role Models’, *American Journal of Political Science*, Vol. 51, Issue 4, pp. 921-39.

9. Impact Assessments

180. Alongside the assessment of costs, an [Integrated Impact Assessment](#) (IIA) has been carried out on all elements of the Bill. The purpose of this assessment has been to consider the impact of the Bill's provisions on particular groups of people and policy areas, and to consider any changes needed to the Bill in order to mitigate negative impacts or ensure more positive impacts.

181. The IIA is summarised below.

182. More detailed, individual impact assessments have been prepared where the IIA has identified that the Bill could have specific impacts, or where there is a legislative requirement to do so. Individual impact assessments have been prepared in relation to:

- Equality and Human Rights;
- Data protection;
- Welsh Language; and
- Justice.

183. No impacts have been identified which required introduction of this legislation to be reconsidered or delayed.

Summary of the Integrated Impact Assessment

Impact on the well-being of future generations

184. The IIA considers the implications of the legislation in relation to the five ways of working identified within the [Well-being of Future Generations \(Wales\) Act](#).

185. In this context, the legislation is considered to have ongoing **long-term** benefits in terms of the Senedd's capacity to hold the Welsh Government to account, make laws and represent the people of Wales. This is because women representatives have been found to:

- Prioritise different policy and legislative matters
- Prioritise particular types of work
- Champion particular ways of working
- Drive a higher calibre of candidates overall
- Create role models in positions of political leadership
- Increase minority representation
- Decrease corruption and unethical activity

186. Better scrutiny is considered to make for better policy and law-making, thereby potentially **preventing** a wide array of problems arising in the future. In the context of **prevention**, this legislation will mitigate against a

range of concerns previously identified relating to the Senedd's ability to scrutinise effectively and engage with the people it serves. Research shows that increasing women's representation within a legislature can strengthen the legislature's legitimacy.

187. In the development of electoral changes, **integrated** consideration has been given to the broader changes that are proposed and their cumulative impact on existing electoral processes and the capacity of local authorities' elections teams. This includes the implementation of the UK Government's Elections Act 2022, and reforms being separately delivered through the Welsh Government's Senedd Cymru (Members and Elections) Bill and the Elections and Elected Bodies (Wales) Bill.

188. **Collaboration** and **involvement** with partners and stakeholders have been vital to the development of this legislation, including with delivery partners and third sector organisations. It is anticipated that this approach will be maintained in the implementation of this legislation.

Impact on social well-being

189. Consideration has been given in the IIA to how, and to what extent, the legislation may affect people and communities. This included impacts on particular individuals, groups of people or communities; people living in, working in, or linked to particular places; consumers of particular products or services; workers, in general and in specific sectors, and the goal of promoting decent and fair work (as per section 4 of the Well-being of Future Generations (Wales) Act 2015).

190. For example, the IIA identified that measures to increase the number of women within the Senedd will improve its ability to scrutinise on behalf of, and represent, the interests of a wider range of communities and people across Wales.

191. Women MSs may bring to the Senedd a stronger focus, for example, on matters that are sometimes more important to women, children and families. This could have a positive effect on particular groups of people, for example children, women, families and communities.

Impact on cultural well-being

192. The IIA considered the impacts of the legislation on cultural well-being. The proposals to introduce candidate gender quotas were deemed to have no direct impacts on cultural well-being.

Impact on the Welsh language

193. A full [Welsh Language Impact Assessment](#) (WLIA) has been conducted.

194. The WLIA identified that introducing candidate quotas for Senedd elections is unlikely to impact directly on the Welsh language, but that there could be some potential positive indirect impacts. For example, as women legislators tend to give greater focus to issues relating to children, education and families, there may be an increase in the attention given by the Senedd to issues relating to the Welsh language such as Welsh medium education and Welsh language cultural events.

Impact on economic well-being

195. In broad terms, the Bill's provisions are not considered to have a significant impact on economic well-being, although there is some evidence of women's representation in legislatures being a predictor of that legislature's spending in certain areas, leading for example to an increase in social policy spending and a decrease in poverty'.¹²¹ A full Economic Impact Assessment has not been conducted.

Impact on the public sector

196. The IIA has considered the Bill's potential implications for the public sector.

197. The financial implications of the changes are incorporated into the Regulatory Impact Assessment set out in Part 2 of this Explanatory Memorandum.

198. The IIA identified that the legislation would have a direct impact on the Electoral Commission, which will produce and publish guidance for political parties, candidates, the CRO and the NNCO. The Regulatory Impact Assessment notes that the Electoral Commission will not incur any additional costs from fulfilling these requirements.

199. The IIA notes that the legislation will have an impact on CROs, who will have a role in enforcing the gender quota rules, but will not lead to additional costs. The legislation will also lead to the creation of the role of the NNCO. The Regulatory Impact Assessment estimates the costs associated with that role at £1,500 per election.

200. The IIA identifies that the legislation will have an impact on political parties and electoral practitioners. Engagement with stakeholders has ensured that the proposals have been developed in a manner that minimise any negative or disproportionate impact on established processes.

¹²¹ Swiss, Liam; Fallon, Kathleen M.; and Burgos, Giovanni (2012) 'Does Critical Mass Matter? Women's Political Representation and Child Health in Developing Countries', *Social Forces*, Vol. 91, Issue 2, pp. 531–558.

Impact on the third sector

201. The IIA has considered the Bill's potential implications for the third sector.
202. The IIA identifies that introducing candidate quotas for Senedd elections will not impact significantly on the third sector. The IIA notes that the changes may provide a new focus for the work of a small number of organisations working to promote greater diversity of representation in public life and leadership positions.

Impact on environmental well-being and biodiversity

203. The IIA considered the impact of the legislation on environmental well-being.
204. The legislation was not considered to have a direct impact on environmental well-being. Accordingly, a full Biodiversity Impact Assessment has not been completed.

Impact on socio-economic disadvantage

205. The IIA considered the impact of the legislation on socio-economic disadvantage.
206. The legislation was not considered to have a direct impact on socio-economic well-being. Therefore, a full Socio-economic Duty Assessment has not been carried out.

Impact on health

207. The IIA outlines that measures to increase the number of women legislators will enable the Senedd to improve its ability to conduct policy and legislative scrutiny, including in relation to the health of communities and people across Wales. The legislation could incentivise more women to engage in the democratic process, with the associated health benefits this may bring.
208. It is possible that there could be a negative impact on the mental health of some individuals who, because of their particular circumstances, may feel uncertain or anxious about stating whether or not they are a woman and consider this a barrier to their participation as a candidate for election. The number of Senedd candidates who are likely to be impacted in this way is likely to be very small and the nature of the impact will vary depending on each individual's particular personal circumstances. A full Health Impact Assessment has not been conducted

but potential negative impacts on particular groups have been considered as part of the Integrated Impact Assessment and Equality Impact Assessment.

Impact on children's rights

209. The IIA considered the impacts of the legislation on children and on children's rights. The proposals to introduce candidate quotas were deemed to have no adverse impacts on children and children's rights, as candidates to be Members of the Senedd must be 18 on the day of their nomination to stand for election.
210. The IIA referred to research indicating that an increased number of women legislators could lead to a greater focus in Senedd debates on issues relating to children and their rights, and to more effective scrutiny in these policy areas.
211. As the Bill's provisions are not considered to have a direct impact on children's rights, a full Children's Rights Impact Assessment has not been conducted.

Summary of the Equality Impact Assessment

212. A full [Equality Impact Assessment](#) (EIA) has been carried out. The EIA was conducted to consider the potential impacts of the legislation on people with protected characteristics as described in the Equality Act 2010.
213. The EIA identifies that the Bill may have broadly positive impacts, albeit not always directly, for a range of people with protected characteristics. Measures to increase the number of women legislators in the Senedd will potentially improve its ability to scrutinise on behalf of, and represent, the interests of a wider range of communities and people across Wales, including people with protected characteristics as described in the Equality Act 2010.
214. The EIA identified that the legislation will directly affect some groups and that it could have an impact on other groups. The EIA identifies that the following groups will be directly affected:
- Men and women (the protected characteristic of sex)
 - Trans people (the protected characteristic of gender reassignment)
215. The EIA notes that the legislation could impact on the right to stand for election (Article 3, Protocol 1), the right to privacy (Article 8) and the right to protection from discrimination (Article 14). The Data Protection Impact Assessment for the Bill provides further information about the

circumstances in which personal information will be shared in accordance with the legislation and mitigating actions.

216. The EIA states that any negative effects on candidates who are not women are mitigated by the fact that the minimum threshold is set at 50% for women, therefore enabling gender balance while also reserving “winnable” positions on lists for women. Further, the EIA sets out that the legislation seeks to achieve a legitimate aim, which is to achieve a broadly representative Senedd in terms of the gender make-up of the Welsh population.

217. The EIA recognises that it remains the Welsh Government’s wider policy ambition to support trans inclusion and participation and to make it simpler to obtain a Gender Recognition Certificate. However, gender recognition is a reserved matter under GoWA. It is recognised that some individuals may be impacted negatively by this legislation in terms of having to make a gender statement. Nothing in the rules about the proportion and placement of women on lists precludes any individual from standing but the Equality Impact Assessment acknowledges the potential impact on some individuals in certain circumstances.

218. The EIA notes that the legislation may lead to positive indirect impacts on the following groups who are designated by the Equality Act 2010 as having protected characteristics:

- Children and young people (the protected characteristic of age)
- Those who are pregnant or on maternity leave (the protected characteristic of pregnancy and maternity)
- Those people who are disabled (the protected characteristic of disability)
- Those who require care, including older people and those with disabilities (the protected characteristics of age and disability).

219. The EIA identifies that, based on evidence and research on the impact of similar measures in other countries, an increase in the number of MSs who are women may enable the Senedd to improve its ability to conduct policy and legislative scrutiny on issues that are of particular interest to the above groups. This is because evidence from other settings indicate that women legislators place a greater focus on issues that could be particularly important to people from these groups, such as health. This is also because the introduction of quotas can lead to the election of legislators with a broader range of lived experiences, including from the above groups.

Impact on rural proofing

220. The IIA has concluded that a full Rural Proofing Impact Assessment was not required on the basis that introducing candidate quotas for Senedd elections will not have any specific or direct impacts on rural

individuals and communities. Women wishing to stand for election in more rural constituencies will stand to benefit in the same way from quotas as women in more urban parts of Wales, enabling them to represent and reflect the particular perspectives and lived experiences of women living in rural Wales.

Summary of the Data Protection Impact Assessment

221. A full [Data Protection Impact Assessment](#) (DPIA) has been completed in respect of the Bill.
222. The DPIA has identified that the legislation will have an impact on individuals who may wish to stand as party list candidates at Senedd elections. The legislation will also have an impact on relevant data controllers, namely registered political parties (as defined by the legislation), CROs and the NNCO, as the legislation will require them to collect or receive and then process additional personal data.
223. Under existing arrangements for Senedd elections, candidates are required to complete forms as part of the electoral process and to provide information such as their name, home address and date of birth. These forms are often submitted on a candidate's behalf by their political party who may check that the forms have been completed correctly.
224. The new legislation will require candidates to state whether they are a woman or not as part of the nomination process. All party list candidates for Senedd elections will be required to state this. Therefore, the Bill, together with the subordinate legislation to be made under it, will require the processing of personal information about candidates, which may be sensitive for some people.
225. Political parties will need to know the stated gender of their candidates so that they can ensure that their party lists comply with the quota rules. Parties will submit the nomination forms, including party lists and candidate gender statements to the CROs, who will use the information to check compliance with the quota rules.
226. The information about gender will be received by the CRO and their staff in the same way as personal and potentially sensitive information is currently received and processed. UK GDPR law will apply in these circumstances and it is anticipated that policies and guidance similar to those currently relating to how candidate information is to be protected and handled will be made relevant.
227. The Bill gives power to make provision in subordinate legislation about the inspection of candidate gender statements. If exercised, this would be set out in law and may be made subject to safeguards.

228. As data controllers, political parties will need to continue to provide a privacy notice to candidates setting out the purposes of their data collection and processing. Similarly, CROs will need to continue to provide a privacy notice to candidates outlining the purposes of the data collection and explaining that the provision of information by the candidates is required by law as part of the process to become a candidate in a Senedd election. Political parties and CROs will need to review these privacy notices in light of the additional functions related to quotas that would be conferred on them by virtue of the Bill.

229. Relevant information will need to be shared with the NNCO. This will be provided for in the subordinate legislation. The NNCO will only need to access the information relating to the gender of the first or only candidate on each party's list to effectively perform their functions in checking compliance with the horizontal placement criteria. Therefore, it is expected that the subordinate legislation will require the CROs to share this personal information with the NNCO. The NNCO will not receive other personal information on these candidates such as their name or date of birth.

230. The CRO will be required to publish the list of validly nominated candidates in the statement of persons nominated. While the information provided by candidates in relation to their gender will not be published, the order of candidates on a party list (which is informed by that information and the quota rules) will be made publicly available and it may on occasion be possible to ascertain whether a candidate has stated they are a woman or not a woman.

231. The DPIA identifies that, to realise the Bill's purpose, it is necessary for data to be collected and processed in the ways set out above. Without handling and processing this information, registered political parties would not be able to submit compliant lists, and CROs and the NNCOs would not be able to check whether or not a party's list complies with the quota rules. The DPIA also recognises the heightened risks for some individuals of having to state their gender for the purpose of effective implementation and enforcement of the legislation.

232. As data controllers, registered political parties, CROs and the NNCO are ultimately responsible for the data processing and will be required to comply with data protection legislation. The information relating to gender will be gathered as an extension of an existing process, with which they will be familiar. Guidance provided by the Electoral Commission is likely to assist them to comply with the legislation.

Summary of the Justice System Impact Identification assessment

233. A full [Justice System Impact Identification](#) (JSII) assessment has been completed in respect of the Bill.

234. The JSII assessment states that any impact on the justice system from the gender quota provisions in the primary legislation, including cost, is anticipated to be minimal.
235. No new offences will be created, although subordinate legislation may expand an existing criminal offence concerned with the conduct of Returning Officers and other electoral officials to a new role (NNCO) created under the new legislation.
236. Existing electoral law provides for a number of electoral offences relating to the fair running of elections targeted at electoral administrators and participants. One such offence is breach of official duty by Returning Officers and other electoral officials and this may be amended to cover the NNCO. For participants, there are various offences which are corrupt or illegal practices, one of which involves providing false statements in nomination and other papers. Making a false gender statement will not be part of that corrupt practice offence.
237. Although the Bill does not create any new offences, as it will be implementing new rules by which administrators and participants must abide, this increases the potential circumstances which might give rise to grounds for applying to the courts, such as by lodging an election petition. Expanding the breach of official duty offence to the NNCO is minimal and the likelihood of it leading to an increase in cases before the courts is considered negligible.
238. The JSII notes that it is highly unlikely that the number of electoral petitions brought in relation to Senedd elections will increase due to provisions within the Bill. An election petition must be brought within 21 days of the day of the return of the Member and brings with it a significant financial requirement. Election petitions are not a frequent occurrence – there have been no election petitions raised in respect of Senedd elections so far.

10. Affordability assessments

239. While an RIA assesses social value and therefore includes cultural, social and environmental impacts alongside economic costs and benefits, an affordability assessment is a purely financial assessment. As such, only cash costs and cash-releasing benefits are included. Any environmental, social, cultural and wider economic costs and benefits identified in an RIA would be removed from an affordability assessment.

240. The affordability assessment considers the same time period as the RIA, namely 2024–25 to 2031–32.

241. The cash costs and cash-releasing benefits in this assessment have been adjusted to reflect anticipated inflation during the appraisal period. This adjustment has been made on the basis of the GDP deflator projections included in the Office for Budget Responsibility's (OBR) Economic and Fiscal Outlook¹²² which was published in March 2023. The OBR's projections only extended to 2027-28 and so the average of the OBR's projections have been used for the remainder of the appraisal period. Although inflation is now falling, there remains a degree of uncertainty around its future path. The Welsh Government will continue to monitor the impact of inflation on the financial costs of the Bill.

242. Unless otherwise stated, all costs have been rounded to the nearest £100. Some of the totals in tables may not sum due to this rounding.

Transitional costs

243. The RIA identified transitional cost of £18,000 to fund changes to the Electoral Management Systems (EMS). The costs would arise during 2025–26 and would be met by local authorities (LAs), supported with funding from the Welsh Government.

Table 10.1: Local authorities affordability assessment

Year	2025–26
LA capital costs	£18,000
Total	£18,000
Total adjusted for inflation	£18,900

Recurring costs

The RIA identified a possible indicative ongoing cost arising during each election year from the designation of an NNCO. To the extent that a fee may be set for the NNCO to recover costs for services rendered at a Senedd

¹²² Office for Budget Responsibility, [Economic and fiscal outlook, March 2023](#).

election, this is estimated as £1,500 per election but could be subject to some variation. These costs will fall on the Welsh Government.

Table 10.2: The Welsh Government affordability assessment

Year	2026–27	2030–31
WG revenue costs	£1,500	£1,500
Total	£1,500	£1,500
Total adjusted for inflation	£1,600	£1,700

11. Post implementation review

244. The Bill provides that the Llywydd must table a motion as soon as practicable, and in any event within six months of the first meeting of the Senedd following the general election in which candidate quotas first have effect, which (if approved by the Senedd) would establish a committee to undertake a review of the operation and effect of this Bill. The Bill provides that the motion require the committee to report within 12 months of the first meeting of the Senedd following the election in which candidate quotas first have effect. If, following a review by such a committee, the committee lays a report before the Senedd, the Welsh Ministers must lay before the Senedd a statement that sets out their response to the report.

Annex 1

Explanatory Notes

SENEDD CYMRU (ELECTORAL CANDIDATE LISTS) BILL

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Senedd Cymru (Electoral Candidate Lists) Bill “(the Bill)” as introduced into Senedd Cymru on 11 March 2024. They have been prepared by the Economy, Treasury and Constitution Group of the Welsh Government to assist the reader of the Bill. The Explanatory Notes should be read in conjunction with the Bill but are not part of it.

GENERAL OVERVIEW OF THE BILL

2. The Bill is intended to make the membership of Senedd Cymru (“the Senedd”) broadly reflective of the gender make-up of the population. This in turn is intended to make the Senedd a more effective legislature for, and on behalf of, the people of Wales.
3. The Bill provides for the introduction of requirements regarding the proportion and placement of women on registered political parties’ candidate lists, which form part of the system used to elect Members of the Senedd (MSs).
4. The Bill consists of 5 sections, and the substance of the Bill is delivered in section 1, which inserts new provisions into the Government of Wales Act 2006 (“GoWA”).

COMMENTARY ON SECTIONS OF THE BILL

Section 1 – Proportion and placement of women on lists of candidates to be Members of the Senedd

5. Section 1 makes provision for the introduction of requirements regarding the proportion and placement of women on candidate lists submitted by registered political parties, which form part of the electoral system used for Senedd elections. It does so by amending Part 1 of GoWA by inserting new sections 7A to 7D.

6. Two existing aspects of GoWA are particularly relevant. Firstly, section 6 of GoWA defines “registered political party” as a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000. Secondly, section 13 of GoWA provides the Welsh Ministers with a broad power to make subordinate legislation about elections. This power has previously been exercised to make the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (often referred to as “the Conduct Order”). As explained below, under the Bill further provision will be made relating to new sections 7A and 7B of GoWA using the power in section 13 of that Act.
7. References in the Bill (and these Notes) to section 7 of GoWA are references to that section as substituted by the Senedd Cymru (Members and Elections) Bill.

New section 7A: At least half of candidates on a list submitted under section 7 must be women

8. New section 7A makes it a requirement that at least half of the candidates on a party’s list must be women, in cases where the list contains two or more candidates. Where a list contains an odd number of candidates, the majority must be women, which means that the list must contain at least one more candidate who is a woman than candidates who are not women (subsection (3)). Subsection (4) also makes it a requirement that any candidate who is not a woman must be followed immediately on a list by a candidate who is a woman (with the exception of the last candidate on a list, who would not be followed by any other candidate).

New Section 7B: First or only candidate on at least half of the lists submitted by a party must be a woman

9. New section 7B imposes requirements where a registered political party has submitted lists of candidates for two or more Senedd constituencies. Where a party submits lists for an even number of Senedd constituencies, on at least half of the lists either: (a) the candidate appearing first on the list must be a woman or (b) if the list contains only one candidate, that candidate must be a woman. Where a party submits an odd number of lists, the same requirement applies in relation to the majority of the party’s lists. For example if a party submits a list in four Senedd constituencies, there must be at least two women appearing as the first or only candidate. If a party submits a list in five Senedd constituencies, there must be at least three women appearing as the first or only candidate.

New section 7C: The national nominations compliance officer and enforcement of section 7B

10. New section 7C provides for the creation of a National Nominations Compliance Officer (NNCO) and for the enforcement of section 7B through provision to be made in an order under section 13 of GoWA.

11. Subsection (1) requires that provision is made in an Order under section 13 of GoWA for the designation, by the Welsh Ministers, of a NNCO. The NNCO's functions are those set out in an Order made under section 13.
12. An Order under section 13 may also confer functions on Constituency Returning Officers (CROs: see section 7 of GoWA) about ensuring compliance with section 7B. Subsection (3) concerns provision about steps that may or must be taken when candidate lists submitted under section 7 of GoWA do not comply with section 7B. Subsection (4) sets out particular provision that may be made in reliance on subsections (2) and (3), namely;
 - a. the functions of the NNCO in determining which lists are to be subject to action to ensure compliance with Section 7B, and
 - b. the functions of the CRO relating to making changes to candidate lists, including holding that a candidate who is not a woman and who is the only candidate on a list no longer stands nominated.

New section 7D: Particular provision relating to sections 7A and 7B that may or must be made in an order under section 13

13. Subsection (1) concerns the making of provision, in an order under section 13, about the matters described in paragraphs (a) and (b). This includes power to make provision about the effect on compliance with sections 7A and 7B of the removal of a candidate from a list. Examples of a candidate being removed from a list submitted to a CRO would include where the candidate has died or withdrawn after submission.
14. Subsection (2) imposes a duty on the Welsh Ministers to make provision, in an order under section 13 of GoWA, requiring all candidates who will be on a registered political party's list of candidates to state (as part of the nominations process) that:
 - a. they are a woman, or
 - b. they are not a woman.
15. An order under section 13 may also make provision about the inspection of such candidate statements (subsection (1)(b)).

Section 2 – Review of operation and effect of this Act etc.

16. Section 2 places a duty on the Llywydd (referred to in the Bill as “the Presiding Officer”, for consistency with GoWA) to table a motion proposing that the Senedd establish a committee to review and report on the operation and effect of sections 7A to 7D of GoWA and any related provision made under section 13 of that Act, or under section 3 of the Bill. The Llywydd must table this motion as soon as practicable after, and in any event within six months of, the first

meeting of the Senedd following the first Senedd general election after the Act comes into force. The motion must also propose that the committee must complete its report within 12 months of that meeting. The section also requires the Welsh Ministers to lay before the Senedd a statement setting out their response to any such report laid before the Senedd by the committee.

Section 3 - Power to make consequential, transitional etc. provision

17. Section 3 provides the Welsh Ministers with a power to make regulations containing consequential, incidental, supplementary, transitional, transitory or saving provision for the purposes of, in consequence of or to give full effect to any provision of the Bill. Those regulations are to be made by statutory instrument and may amend, repeal, revoke or modify the Act resulting from the Bill or any other enactment (whenever passed or made), and may make different provision for different purposes.
18. Subsections (4) and (5) set out the procedures of Senedd Cymru that will apply to regulations made under this power depending upon whether the regulations amend primary or secondary legislation. Subsection (6) includes a definition of primary legislation for the purpose of this section.

Sections 4 and 5 - Coming into force and short title

19. Section 4 makes provision for the coming into force of the Bill:
 - a. sections 3 to 5 are to come into force the day after the day on which the Act resulting from the Bill receives Royal Assent;
 - b. sections 1 and 2 of the Bill may be brought into force on a day or days appointed by the Welsh Ministers in an order.
20. An order bringing sections 1 and 2 into force may appoint different days for different purposes and make transitory, transitional or saving provision. An order under this section must be made by statutory instrument, but no procedure applies to its making.
21. Section 5 provides that the short title of the Act resulting from the Bill is to be the Senedd Cymru (Electoral Candidate Lists) Act 2024.

Annex 2

Index of Standing Order requirements

Table A2.1

Standing order		Section	pages/ paragraphs
26.6(i)	Statement the provisions of the Bill would be within the legislative competence of the Senedd	Member's declaration	Page 1
26.6(ii)	Set out the policy objectives of the Bill	Chapter 3 - Purpose and intended effect of the legislation	Pages 5–31
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted	Part 2 – Regulatory Impact Assessment	Page 44
26.6(iv)	Set out the consultation, if any, which was undertaken on: <ul style="list-style-type: none"> (a) the policy objectives of the Bill and the ways of meeting them; (b) the detail of the Bill, and (c) a draft Bill, either in full or in part (and if in part, which parts) 	Chapter 4 – Consultation	Pages 32–36

Standing order		Section	pages/ paragraphs
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended	Chapter 4 – Consultation	Pages 32–36
26.6(vi)	If the bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision	Chapter 4 – Consultation	Pages 32–36
26.6(vii)	Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill	Annex 1 – Explanatory Notes	Pages 63–66
26.6(viii)	Set out the best estimates of: <ul style="list-style-type: none"> (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise; (b) the administrative savings arising from the Bill; (c) net administrative costs of the Bill’s provisions; (d) the timescales over which such costs and savings would be expected to arise; and (e) on whom the costs would fall 	Part 2 – Regulatory Impact Assessment	Pages 41–50

Standing order		Section	pages/ paragraphs
26.6(ix)	Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially	Part 2 – Regulatory Impact Assessment	Pages 51–57
26.6(x)	<p>Where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);</p>	Chapter 5 - Power to make subordinate legislation	Pages 37–40
26.6(xi)	Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate	The requirement of Standing Order 26.6(xi) does not apply to this Bill	

Standing order		Section	pages/ paragraphs
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.	Part 2 – Regulatory Impact Assessment	Page 58–59
26.6B	Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.	The requirement in Standing Order 26.6B for a Table of Derivations is not applicable to this Bill as the Bill is a standalone piece of legislation and does not derive from existing primary legislation for the purposes of amendment or consolidation.	
26.6C	Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.	Annex 3 – Schedule of Amendments	Page 71–77

Annex 3

Schedule of amendments

Government of Wales Act 2006

AMENDMENTS TO BE MADE BY THE SENEDD CYMRU (ELECTORAL CANDIDATE LISTS) BILL

This document is intended to show how the provisions of the following legislation would look once amended by the Senedd Cymru (Electoral Candidate Lists) Bill (if enacted), as introduced on 11 March 2024.

Primary Legislation

- Government of Wales Act 2006

For sake of accessibility, the below provisions are shown with the anticipated amendments made by the Senedd Cymru (Members and Elections) Bill (if enacted) as well as those to be made by the Senedd Cymru (Electoral Candidate Lists) Bill (if enacted).

Material to be omitted by the Senedd Cymru (Members and Elections) Bill is shown in strikethrough, e.g. ~~omitted material looks like this~~.

Material to be added by the Senedd Cymru (Members and Elections) Bill is underlined, e.g. added material looks like this.

Material to be added by the Senedd Cymru (Electoral Candidate Lists) Bill is underlined in red, e.g. added material looks like this.

References to the relevant amending provisions of the Bills are provided in the right-hand column on each page.

Where relevant, related provisions from the Act, and the changes to them made by the Senedd Cymru (Members and Elections) Bill, are included to aid understanding of the proposed amendments.

Warning

This text has been prepared by officials of the Economy, Treasury and Constitution Group of the Welsh Government. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill.

It has been produced solely to help people understand the effect of the Senedd Cymru (Electoral Candidate Lists) Bill. It is not intended for use in any other context.

Please note: this document has been prepared solely to assist people in understanding the [insert name of Bill] (Wales) Bill. It should not be relied on for any other purpose.

GOVERNMENT OF WALES ACT 2006

Section	Amended by
<p>6 Voting at general elections</p> <p>(1) Each person entitled to vote at a general election in a Senedd constituency has two votes.</p> <p>(2) One (referred to in this Act as a “constituency vote”) is a vote which may be given for a candidate to be the Senedd constituency member for the Senedd constituency.</p> <p>(3) The other (referred to in this Act as an “electoral region vote”) is a vote which may be given for—</p> <p>(a) a registered political party which has submitted a list of candidates to be Senedd regional members for the Senedd electoral region in which the Senedd constituency is included, or</p> <p>(b) an individual who is a candidate to be a Senedd regional member for that Senedd electoral region.</p> <p>(4) The Senedd constituency member for the Senedd constituency is to be returned under the simple majority system.</p> <p>(5) The Senedd regional members for the Senedd electoral region are to be returned under the additional member system of proportional representation provided for in this Part.</p> <p>(6) In this Act “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).</p> <p>7 Candidates at general elections</p> <p>(1) At a general election a person may not be a candidate to be the Senedd constituency member for more than one Senedd constituency.</p> <p>(2) Any registered political party may submit a list of candidates for return as Senedd regional members for a particular Senedd electoral region at a general election.</p> <p>(3) The list must be submitted to the regional returning officer.</p> <p>(4) The list must not include more than twelve persons (but may include only one).</p> <p>(5) The list must not include a person—</p> <p>(a) who is included on any other list submitted for the Senedd electoral region or any list submitted for another Senedd electoral region,</p> <p>(b) who is an individual candidate to be a Senedd regional member for the Senedd electoral region or another Senedd electoral region,</p> <p>(c) who is a candidate to be the Senedd constituency member for a Senedd constituency which is not included in the Senedd electoral region, or</p> <p>(d) who is a candidate to be the Senedd constituency member for a Senedd constituency included in the Senedd electoral region but is not a candidate of the party.</p> <p>(6) A person may not be an individual candidate to be a Senedd regional member for the Senedd electoral region if that person is—</p> <p>(a) included on a list submitted by a registered political party for the Senedd electoral region or another Senedd electoral region,</p> <p>(b) an individual candidate to be a Senedd regional member for another Senedd electoral region,</p> <p>(c) a candidate to be the Senedd constituency member for a Senedd constituency which is not included in the Senedd electoral region, or</p>	<p>Part 2 Section 8 of the Senedd Cymru (Members and Elections) Bill</p>

Please note: this document has been prepared solely to assist people in understanding the [insert name of Bill] (Wales) Bill. It should not be relied on for any other purpose.

~~(d) a candidate of any registered political party to be the Senedd constituency member for a Senedd constituency included in the Senedd electoral region.~~

~~(7) In this Act “regional returning officer”, in relation to a Senedd electoral region, means the person designated as the regional returning officer for the Senedd electoral region in accordance with an order under section 13.~~

~~8 Calculation of electoral region figures~~

~~(1) This section and section 9 are about the return of Senedd regional members for an electoral region at a general election.~~

~~(2) The person who is to be returned as the Senedd constituency member for each Senedd constituency in the Senedd electoral region is to be determined before it is determined who are to be returned as the Senedd regional members for the Senedd electoral region.~~

~~(3) For each registered political party by which a list of candidates has been submitted for the Senedd electoral region—~~

~~(a) there is to be added together the number of electoral region votes given for the party in the Senedd constituencies included in the Senedd electoral region, and~~

~~(b) the number arrived at under paragraph (a) is then to be divided by the aggregate of one and the number of candidates of the party returned as Senedd constituency members for any of those Senedd constituencies.~~

~~(4) For each individual candidate to be a Senedd regional member for the Senedd electoral region there is to be added together the number of electoral region votes given for the candidate in the Senedd constituencies included in the Senedd electoral region.~~

~~(5) The number arrived at—~~

~~(a) in the case of a registered political party, under subsection (3)(b), or~~

~~(b) in the case of an individual candidate, under subsection (4),~~

~~is referred to in this Act as the electoral region figure for that party or individual candidate.~~

~~9 Allocation of seats to electoral region members~~

~~(1) The first seat for the Senedd electoral region is to be allocated to the party or individual candidate with the highest electoral region figure.~~

~~(2) The second and subsequent seats for the Senedd electoral region are to be allocated to the party or individual candidate with the highest electoral region figure after any recalculation required by subsection (3) has been carried out.~~

~~(3) This subsection requires a recalculation under paragraph (b) of section 8(3) in relation to a party—~~

~~(a) for the first application of subsection (2), if the application of subsection (1) resulted in the allocation of a Senedd seat to the party, or~~

~~(b) for any subsequent application of subsection (2), if the previous application of that subsection did so,~~

~~and a recalculation is to be carried out after adding one to the aggregate mentioned in that paragraph.~~

~~(4) An individual candidate already returned as an Senedd constituency member or Senedd regional member is to be disregarded.~~

~~(5) Seats for the Senedd electoral region which are allocated to a party are to be filled by the persons on the party's list in the order in which they appear on the list (disregarding anyone already returned as a Senedd constituency member, including anyone whose return is void).~~

Please note: this document has been prepared solely to assist people in understanding the [insert name of Bill] (Wales) Bill. It should not be relied on for any other purpose.

- ~~(6) Once a party's list has been exhausted (by the return of persons included on it as Senedd constituency members or by the previous application of subsection (1) or (2)), the party is to be disregarded.~~
- ~~(7) If (on the application of subsection (1) or any application of subsection (2)) the highest electoral region figure is the electoral region figure of two or more parties or individual candidates, the subsection applies to each of them.~~
- ~~(8) However, if subsection (7) would mean that more than the full number of seats for the Senedd electoral region were allocated, subsection (1) or (2) does not apply until—~~
- ~~(a) a recalculation has been carried out under section 8(3)(b) after adding one to the number of votes given for each party with that electoral region figure, and~~
- ~~(b) one has been added to the number of votes given for each individual candidate with that electoral region figure.~~
- ~~(9) If, after that, the highest electoral region figure is still the electoral region figure of two or more parties or individual candidates, the regional returning officer must decide between them by lots.~~

6 Voting at general elections

(1) Each person entitled to vote at a general election in a Senedd constituency may give a vote for—

- (a) a registered political party that has submitted a list of candidates to be Members of the Senedd for the constituency, or
- (b) an individual who is a candidate (“an individual candidate”) to be a Member of the Senedd for the constituency.

(2) In this Act “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

7 Candidates at general elections

(1) A registered political party may submit a list of candidates to be Members of the Senedd for a particular Senedd constituency at a general election.

(2) The list must be submitted to the constituency returning officer.

(3) The list must not include more than eight people (but may include only one).

(4) The list must not include a person—

(a) who is included on another list submitted under this section (whether for the constituency or another constituency);

(b) who is an individual candidate to be a Member of the Senedd (whether for the constituency or another constituency).

(5) A person may not be an individual candidate to be a Member of the Senedd for a constituency if that person is—

(a) included on a list submitted under this section (whether for the constituency or another constituency);

(b) an individual candidate to be a Member of the Senedd for another constituency.

(6) In this Act, “constituency returning officer”, in relation to a Senedd constituency, means the person designated as the returning officer for the constituency in accordance with an order under section 13 (power of the Welsh Ministers to make provision about elections etc.)

7A At least half of candidates on a list submitted under section 7 must be women

Section 1
of the Senedd
Cymru (Electoral

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<p><u>(1) This section applies to a list submitted by a registered political party under section 7 that includes two or more candidates to be Members of the Senedd for a Senedd constituency.</u></p> <p><u>(2) Where there is an even number of candidates on the list, at least half of the candidates must be women.</u></p> <p><u>(3) Where there is an odd number of candidates on the list, the majority of candidates must be women.</u></p> <p><u>(4) A candidate on a list who is not a woman must, unless the candidate is last on the list, be immediately followed on the list by a woman.</u></p> <p><u>7B First or only candidate on at least half of the lists submitted by a party must be a woman</u></p> <p><u>(1) This section applies where a registered political party has, under section 7, submitted lists of candidates for two or more Senedd constituencies.</u></p> <p><u>(2) Where the party has submitted an even number of lists, the first or only candidate on at least half of those lists must be a woman.</u></p> <p><u>(3) Where the party has submitted an odd number of lists, the first or only candidate on the majority of those lists must be a woman.</u></p> <p><u>7C The national nominations compliance officer and enforcement of section 7B</u></p> <p><u>(1) An order under section 13 must make provision for the designation by the Welsh Ministers of a national nominations compliance officer.</u></p> <p><u>(2) The national nominations compliance officer has such functions related to ensuring compliance with section 7B as are provided for in an order made under section 13.</u></p> <p><u>(3) An order under section 13 may make provision about—</u></p> <p><u>(a) what steps may or must be taken where the lists of candidates submitted under section 7 by a registered political party are not in compliance with section 7B;</u></p> <p><u>(b) the functions of a constituency returning officer in relation to ensuring compliance with section 7B.</u></p> <p><u>(4) Provision under subsections (2) and (3) may in particular—</u></p> <p><u>(a) set out how the national nominations compliance officer may or must determine (which may be through the drawing of lots) the list or lists in respect of which steps may or must be taken by virtue of paragraph (b);</u></p> <p><u>(b) require or enable a constituency returning officer to—</u></p> <p><u>(i) make changes, in accordance with the order, to a list selected by virtue of paragraph (a);</u></p> <p><u>(ii) hold, in accordance with the order, that where the only candidate on a list selected by virtue of paragraph (a) is not a woman, that candidate no longer stands nominated.</u></p> <p><u>7D Particular provision relating to sections 7A and 7B that may or must be made in an order under section 13</u></p> <p><u>(1) Provision relating to sections 7A and 7B that may be made in an order under section 13 includes, in particular, provision about—</u></p> <p><u>(a) the effect of the removal of a candidate from a list of candidates on compliance with sections 7A and 7B, including provision under which, despite the removal of a candidate, a list is to be treated as complying with those sections;</u></p> <p><u>(b) inspection of a statement made by virtue of subsection (2).</u></p>	Candidate Lists) Bill
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(2) An order under section 13 must make provision requiring a person (P), as part of the process by which P is nominated by a registered political party as a candidate, to state either—
(a) that P is a woman, or
(b) that P is not a woman.

8 Calculation of seat allocation figures

(1) This section and section 9 are about the allocation, to registered political parties or individual candidates, of the seats for a Senedd constituency at a general election.

(2) For each registered political party by which a list of candidates has been submitted under section 7 (candidates at general elections) for the constituency—

(a) the votes given in the constituency for the party are to be added up, and

(b) the number arrived at under paragraph (a) is to be divided by the seat allocation divisor.

(3) On the first calculation for a party under subsection (2)(b), the seat allocation divisor for the party is one (section 9 makes provision about recalculations under that subsection with an increased divisor).

(4) For each individual candidate to be a Member of the Senedd for the constituency, the votes given in the constituency for the candidate are to be added up.

(5) The number arrived at—

(a) in the case of a registered political party, under subsection (2)(b), or

(b) in the case of an individual candidate, under subsection (4), is referred to in section 9 as the “seat allocation figure” for that party or individual candidate.

9 Allocation of seats

(1) The first seat for a Senedd constituency is to be allocated to the registered political party or individual candidate with the highest seat allocation figure.

(2) The second and subsequent seats for the constituency are to be allocated to the party or individual candidate with the highest seat allocation figure after any recalculation required by subsection (3) has been carried out.

(3) This subsection requires a recalculation of the seat allocation figure for a registered political party—

(a) for the first application of subsection (2), if the application of subsection (1) resulted in the allocation to the party of a seat for the constituency, or

(b) for any subsequent application of subsection (2), if the previous application of that subsection resulted in the allocation to the party of a seat for the constituency,

and each recalculation is to be carried out under section 8(2)(b) after adding one to the previous seat allocation divisor for that party.

(4) An individual candidate already allocated a seat as a Member of the Senedd for the constituency is to be disregarded when applying subsection (2).

(5) Seats for the constituency that are allocated to a party are to be filled by the candidates on the party’s list in the order in which they appear on the list.

(6) Once a party’s list has been exhausted (by the application of subsection (1) or (2)), the party is to be disregarded when applying subsection (2).

(7) If, on the application of subsection (1) or on an application of subsection (2), the highest seat allocation figure is the seat allocation figure for two or more parties or individual candidates (referred to in subsection (8) as the “tied

Part 2
Section 8
of the Senedd
Cymru (Members
and Elections)
Bill

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seat allocation figure”), subsection (1) or (2) (as the case may be) applies to each of them.

(8) But if subsection (7) would mean that more than the full number of seats for the constituency were allocated, subsection (1) or (2) is not to be applied until—

(a) a recalculation of the seat allocation figure for any party with the tied seat allocation figure has been carried out under section 8(2)(b) after adding one to the number arrived at under section 8(2)(a), and

(b) one has been added to the number arrived at under section 8(4) for any individual candidate with the tied seat allocation figure.

(9) If, after that, the highest seat allocation figure is still the seat allocation figure for two or more parties or individual candidates (so it is still the case that more than the full number of seats for the constituency would be allocated), the constituency returning officer must decide between them by lots.