

Consultation on the draft Senedd Cymru (Representation of the People) Order

February 2025

Q1 - Do the procedures outlined in the draft Order accurately represent the requirements for conducting a successful election under the Senedd's new electoral system?

No

Whilst the procedures outlined in the draft Order appear to accurately represent the technical requirements required for conducting an election under the Senedd's new electoral system, we have significant reservations that impact our assessment of whether this will lead to a truly successful election.

Our primary concern relates to the new voting system, which is going to be taking choice away from voters and putting it into the hands of political parties. This change could inadvertently undermine voter engagement and confidence, as it limits the ability of individuals to express preferences for specific candidates over party lists.

In addition to this, the breadth of changes that will be happening to Senedd elections in 2026 necessitates a robust and comprehensive communication campaign to ensure voters fully understand the new voting system and its implications. Without such an effort, there is a real risk that confusion and misinformation could erode public trust in both the electoral process and the Senedd itself. Therefore, while the draft order sets out procedures that meet the formal requirements for electoral administration, how successful the election will be will depend on addressing these issues.

Q2(b) – Do you agree with the principal of aligning the election expenses limit of individual candidates with the limits for party expenses?

This question can't be properly answered without having a party funding system finalised. That said, while we understand the reasoning behind aligning the spending limits for candidates and parties, we have concerns about fairness.

Depending on the chosen system, this alignment could place independent candidates at a disadvantage, as they do not have the centralised resources that political parties do. Independent candidates could be particularly affected if the system chosen limits funding based on the number of candidates a party puts on its list in a constituency, as opposed to the number of constituencies in which they stand. As such a system may incentivise larger political parties to fill their list to increase their funding limit, a luxury which individual candidates would not have.

Q5 - Are the provisions relating to the new requirements of a statement of party membership clear with regards to what is required from candidates?

Yes

It is clear from the order that candidates will have to declare if they have been the member of a political party in the 12 months leading up and this is clear on the related form. We support the requirement as it will improve transparency for voters. This system is already in place for local elections in Wales and we believe that introducing it for the Senedd should make the process easier to understand for candidates and manageable for election officials.

Q6 - Do you agree with the new provisions in Rule 37 of Schedule 5 regarding the equipment provided at polling stations to assist disabled voters, which is in line with the approach adopted following amendments made by the Elections Act 2022?

We welcome the new provisions which aim to assist disabled people to vote independently in polling stations. However, we believe there is room to go further on this. Disability campaigners and stakeholders have previously pointed to the ad hoc nature of accessibility equipment in polling stations, where some stations are better equipped than others.

People with disabilities should be able to vote independently as much as possible. However, if the equipment is not sufficiently available in all polling stations, this will not be possible. The RNIB have conducted [research](#) into the ability of blind people to vote independently and found that fewer than one in five blind voters were able to do so. However, trials showed that when tactile and audio solutions were introduced, 93% of blind voters were able to vote independently. We welcome the currently ongoing [pilots](#) around this area and would like to see the outcomes of these, along with input from other key stakeholders, being fed into secondary legislation.

Q7 - Do you consider that the content and format of the forms, as well as the new numbering system, satisfies users' needs?

No

The forms and numbering system are logical and appear to satisfy the needs of users. However, there are some visual elements which appear to be missing from some of the forms. Most notably form 22 in the order is missing the visual elements that were present in the old amended Senedd order from 2016 (Related to Rule 37 (14) of Schedule 5).

In addition to this difference, the first piece of guidance (relating to going to the desk when entering the polling station) is omitted in the new form. We feel these visual prompts are useful in addition to the text. This is particularly important given the expansion of the franchise to young people who have never cast a vote before and may be nervous about knowing what to do.

Another feature that appears to have been omitted from the new forms is the use of bold information boxes which sign-post voters to additional help. This can be seen in postal voting and poll card such as form CC2 in the amended 2016 order.

While the forms do include text around getting help, having this information presented in a bold and clear way will make it easier for voters to find it.

Along with these points, given the changes taking place at the 2026 election, a strong communications campaign will need to be coupled with the new forms. This will be essential so that the electorate are able to understand the new system and subsequently their ballot paper.

Q10 - We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Given the huge changes that have occurred to electoral legislation in Wales since 2017, we welcome the move to consolidate all the rules that govern Senedd elections into this order. This will help ensure that election rules are more transparent and easier to follow for those that use them.

However, due to the scale of the changes outlined in the order, it is vital that they are introduced with a comprehensive and clear communication strategy well ahead of the 2026 election. This is crucial to ensure that both candidates and, more importantly, the electorate fully understand the new process for electing Senedd Members. Additionally, any changes made to the conduct order after the consultation should be published in a timely manner, allowing enough time for proper guidance to be produced before the 2026 elections, which are just 15 months away.