

LOCAL GOVERNMENT AND PUBLIC SERVICES COMMITTEE

ELECTORAL ARRANGEMENTS IN WALES

Wednesday 20th April 2005

Purpose

1. To inform the committee of current responsibility for elections in Wales and the Assembly's powers in relation to these.

Recommendation

2. The committee is asked to note the contents of this paper.

Background

3. There are five sets of elections which take place in Wales, to the following institutions:

- European Parliament
- UK Parliament
- National Assembly for Wales
- County and county borough councils
- Town and community councils.

4. All bar the general election are held on fixed cycles – five years for the European elections and four for all others. Assuming a general election will be held this year, and every subsequent four years, the cycle of elections in Wales over the next period should be as follows:

2005 – General election

2006 – none

2007 – Assembly elections

2008 – elections to county and community councils

2009 – general election and European elections

2010 – none

2011 – Assembly elections

2012 – elections to county and community councils

5. While there is no fixed date for the general election, the normal date for the European elections (in the UK) is the second Thursday of June, while all the other elections have their normal date on the first Thursday of May. Elections to both county and community councils normally fall on the same day in Wales.

6. The primary responsibility for the administration of elections to the European and UK Parliaments rests with the UK Department for Constitutional Affairs. The Assembly has no powers in relation to either of these.

Local elections

7. Responsibility for the conduct of council elections, both at county and community level, rests with the Office of the Deputy Prime Minister. The Assembly does, however, have certain limited powers on local elections. The Local Government Act 2003 gave a one-off power to the Assembly to change the date of the county and community elections so that they would be held not on the first Thursday in May 2004 but on the date of the European elections, June 10th. That power was used but is now spent.

8. The Local Government Act 2000 provides the Assembly with a power to vary the existing scheme of elections to county councils. This means that the Assembly could decide that county councillors in Wales would no longer all be elected on the same day but instead would be elected in halves, every two years, or in thirds, with elections half in three out of every four years. In each case, the term of office would remain as four years.

9. The 2000 Act also enabled the Assembly to change the year in which local elections (both at county and community level) are held. This power was used to delay council elections due in May 2003, to May 2004, in order to avoid the cycle of local elections in Wales coinciding in perpetuity with those of the Assembly.

10. The Assembly has no further powers with respect to local elections.

Assembly elections

11. Elections to the Assembly are conducted in accord with the Government of Wales Act 1998 and are

largely the responsibility of the Secretary of State for Wales. The 1998 Act sets out when elections should be held and how members are elected. It also enables the Secretary of State to make an order governing the conduct of the elections. The current version of this is The National Assembly for Wales (Representation of the People) Order 2003.

12. The Order covers the fine detail of the Assembly election procedures, including the manner of voting, the organisation of polling stations, the duties of returning officers, the organisation of election campaigns and legal proceedings in the event of a challenge.

13. The Order also provides certain powers to the Assembly. The Assembly is responsible for designating the returning officers for each constituency and region. There is also an order making power for the Assembly, which governs the payments which may be made to returning officers for the costs of running the elections. These costs are also met by the Assembly.

14. The Assembly is also given responsibility under the Order to meet the costs incurred by Royal Mail in the "free" delivery of election literature for candidates and parties, to which they are entitled.

Electoral Commission

15. The Political Parties, Elections and Referendums Act 2000 established the Electoral Commission and gave it, amongst others, the duty of reporting on elections to the European and UK Parliaments and the devolved administrations. It was also tasked with keeping electoral procedures under review and with the giving of advice on electoral matters. It has a further duty to provide education about electoral and democratic systems.

16. The Commission has played a prominent role in raising public awareness of electoral matters since 2001. In 2004, the Assembly Government asked them to report on the local elections in Wales, the first time they had done so.

Equal Opportunities

17. The Government of Wales Act provides a general power to the Assembly to have due regard to equality of opportunity in the exercise of its functions. Although the Assembly has limited functions with regards to elections, it has nevertheless used this power whenever possible to improve access to the electoral system for people with disabilities. In the case of Assembly elections, the Assembly used its funding power to provide part of the cost of ramps into polling stations and for the purchase of tactile voting devices for the blind. More generally, the Assembly Government has urged returning officers to make the voting process as accessible as possible.

Registration

18. Registering of voters is not a devolved matter. Legislative responsibility lies with the DCA but it is

the duty of local authority registration officers to ensure that they maximise the numbers of registered electors in their areas.

Financial implications

19. None.

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