

Electoral Reform NEWSLETTER



Llywodraeth Cymru
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Returning Officers Charges Order, Account Regulations and Indemnity 2021

The Senedd Cymru (Returning Officers' Charges) Order 2021 ("the Order") and the Senedd Cymru (Returning Officers' Accounts) Regulations 2021 ("the Regulations") came into force on 19 March. The Order sets the maximum amounts constituency returning officers (ROs) and regional returning officers (RROs) are able to claim from the Welsh Government for the conduct of the 2021 Senedd election. The Regulations stipulate how and when ROs should submit their election accounts in order to receive the funding provided for in the 2021 Order.

For 2021, the funding provided to ROs includes a payment for 'electoral administrators' which includes the RO, their deputies, and council officials and replaces the former personal fee paid to an RO.

Through the Order, additional funding has been provided to cover costs related to Covid 19, including the range of equipment required to ensure the protection of staff and public health. This includes personal protective equipment, social distancing aides, cleaning materials and additional staff to manage to polls.

Julie James MS, Minister for Housing and Local Government issued a written statement on the Order 22 March 2021 and said, "*We are all aware how difficult it has been to continue with the necessary local authority functions over the past year. Electoral administrators and ROs are no exception to this and have been working tirelessly in a challenging and ever-changing environment to prepare for these elections and maintain public confidence in our democracy. I am very grateful to them for their endeavours.*"

<https://gov.wales/written-statement-senedd-cymru-returning-officers-charges-order-2021>

Claim forms and guidance notes for your election accounts will be circulated to you this week. We recommend that you read the guidance notes carefully and you can contact us with any queries through the Elections mailbox. Accounts must be returned within six months of the election.

Postponed by-elections

As of 1st March by-elections postponed as a result of the Covid-19 pandemic have been able to resume. We would be very grateful if Returning Officers and electoral administrators could let us know when you intend to hold by-elections by contacting the elections mailbox if you haven't already done so.

Communication resources and Welsh Government outreach to harder to reach groups

The Welsh Government's national campaign encouraging awareness and engagement with Welsh democracy is now live. Following on from the last electoral newsletter the stakeholder toolkit is now available at: <https://wales.assetbank-server.com/assetbank-wales/images/assetbox/73720397-07c3-4c1b-9dd7-d027538de2f5/assetbox.html>

Lateral Flow Testing for Staff

The [Guidance to persons undertaking election campaigning activities in Wales during the Coronavirus](#) pandemic has been updated following the end of the "stay local" restriction.

Welsh Government has also confirmed its position on lateral flow device (LFD) testing for elections staff in a letter from the Deputy Chief Medical Officer to Regional Returning Officers. LFD testing was included as a means of risk mitigation in the joint [advice](#) provided by the Technical Advisory Cell and Chief Medical Officer. The issue has been discussed by the Testing Clinical Advisory and Prioritising Group and the clear view was that LFD testing should not be required for the election, as the additional benefit over and above the preparations already being made would not justify the effort required to organise testing and the risks that might create. The Group agreed that it could be reasonable for LFD testing to be implemented, in the event that an RRO is advised to this effect by a local or regional incident management team.

Further reviews under section 15 of the Welsh Elections (Coronavirus) Act are due to be completed by 2 April and 23 April.

Service Level Agreement (SLA) with Royal Mail

The SLA with Royal Mail for the delivery of candidates' election material has been signed by both Welsh Government and Royal Mail.

The Welsh Government is responsible for paying the postage costs for candidates and registered political parties under Article 65 of the National Assembly for Wales (Representation of the People) Order 2007, which provides that candidates have the right to send one piece of electoral communication free of charge. They may send either one piece of addressed communication to each elector or one unaddressed item of communication to a household.

The legislation puts certain restriction on the candidates and political parties' electoral communications and it also stipulates that the service must be provided by a universal service provider.

The only universal service provider who can fulfil this requirement is Royal Mail.

Household Notification Letter Grant Payment

The grant payments to fund an additional HNL have been made and the Electoral Reform Grant scheme has now ended. A review of the grant scheme will take place by autumn 2021 when we will be asking electoral administrators to report on their spending.



Legislation for the Senedd election comes into force

The Welsh Elections (Coronavirus) Act 2021 received Royal Assent on 16 March and came into force on 17 March. It can be accessed at:

<https://www.legislation.gov.uk/asc/2021/2/contents>.

The Act applies only to the ordinary general election due to be held on 6 May 2021 and will not apply to any subsequent elections to the Senedd. It also responds to the potential risks of coronavirus by enabling local government by-elections to be postponed beyond 6 May 2020 if required. In particular, the Act puts in place a mechanism to postpone the date of the poll for the 2021 Senedd election for up to six months for a reason relating to coronavirus. The Act also provides for a shorter dissolution period for the Senedd ahead of the election to enable the Senedd to agree to the fixing of a new date for the poll if this is necessary in light of the unfolding pandemic and quickly evolving circumstances.

The Senedd Cymru (Representation of the People) (Amendment) Order 2021 was made on 17 March and came into force on 18 March. To continue to have effect, it was required to be approved by the Senedd within 28 days and the Senedd did this on 24 March. It can be accessed at:

<https://www.legislation.gov.uk/wsi/2021/335/contents/made>.

The Order makes technical changes to the final deadline for delivery of nomination papers (4.00pm on the nineteenth day before polling day) and the home address form for candidates residing outside of Wales.

In accordance with the Act, the Welsh Government laid a statement before the Senedd on 24 March (<https://senedd.wales/media/kb1dn1mp/ws-ld14286-e.pdf>) setting out the results of the second review of preparations for holding the poll on 6 May and concluding that, based on the information available, the Welsh Government's firm intention at that point in time was for the election to be held on 6 May as planned. Further reviews will be held on 2 and 23 April.

Campaigning guidance

Pursuant to section 9 of the Welsh Elections (Coronavirus) Act 2021 guidance has been published for those undertaking election campaign activities for the purpose of the 2021 election. [Guidance to persons undertaking election campaigning activities in Wales during the Coronavirus pandemic | GOV.WALES](#)