

## Written evidence from Elin Jones MS (TEC 33)

### Public Administration and Constitutional Affairs Committee The Work of the Electoral Commission inquiry

I write in my capacity as the Llywydd (Presiding Officer) of the Welsh Parliament, commonly known as the Senedd, in response to the Committee's call for evidence on the work of the Electoral Commission.

This letter provides a summary of the interaction between the Electoral Commission and the Senedd within the context of devolved responsibility for elections. I have provided this as background context to assist the Committee in its inquiry.

#### The funding and accountability arrangements of the Electoral Commission

Amendments made to the Government of Wales Act 2006 by the Wales Act 2017 transferred responsibility for devolved Welsh Elections and devolved Welsh referendums from the UK Parliament to the Senedd. This included competence to legislate on the financing of the Electoral Commission and the preparation of reports by the Electoral Commission about the performance of its functions.<sup>1</sup>

The Senedd legislated earlier this year to allow for the Electoral Commission's estimated expenditure in relation to devolved Welsh elections and devolved Welsh referendums to be funded from 2021-22 onwards from the Welsh Consolidated Fund.<sup>2</sup>

In accordance with this legislation, the Senedd has established a new committee, the Llywydd's Committee, to scrutinise the Electoral Commission's financial estimates and five-year work plans.<sup>3</sup> This Committee is chaired by the Deputy Presiding Officer of the Senedd. It met for the first time on 6 November this year and subsequently published a [report](#)<sup>4</sup> on its scrutiny of the Electoral Commission's estimate for 2021-22 and current five-year plan. The Committee laid the estimate before the Senedd as part of this report. The estimate will be included in the Annual Budget Motion for 2021-22 to be considered by the Senedd early next year.

#### The Electoral Commission's interaction with Senedd committees

It may also be noted that prior to the Electoral Commission becoming directly accountable to the Senedd, for its work and spending in relation to devolved elections and referendums, it had previously provided evidence to Senedd committees to inform committees' scrutiny of ~~legislation and policy~~. For example the Electoral Commission recently gave evidence to the

<sup>1</sup> Paragraph 25 of Schedule 7A to the Government of Wales Act 2006

<sup>2</sup> Section 28 of the Senedd and Elections (Wales) Act 2020. It is anticipated that from 2021-22 the Scottish Parliamentary Corporate Body will fund the Electoral Commission's work on devolved Scottish elections and devolved Scottish referendums, with the UK Parliament to meet the costs of the Commission's work on English, Northern Irish and UK elections. The Electoral Commission is accountable to the Senedd, Scottish Parliament and UK Parliament for its work and spending in relation to respective elections.

<sup>3</sup> The Llywydd's Committee performs much the same functions as those of the UK Parliament's Speaker's Committee on the Electoral Commission as they relate to English, UK and Northern Irish elections.

<sup>4</sup> <https://senedd.wales/laid%20documents/cr-ld13834/cr-ld13834-e.pdf>

Senedd's Equality, Local Government and Communities Committee to help inform the Committee's scrutiny of provisions in the Local Government and Elections (Wales) Bill.<sup>5</sup>

Supporting the delivery of devolved Welsh elections

The Electoral Commission also engages with Senedd Members and Senedd Commission officials through a number of other forums. In particular, following changes made to the franchise for devolved Welsh elections earlier this year<sup>6</sup>, Senedd Commission and Electoral Commission officials have also worked collaboratively to prepare information and educational resources to help inform newly enfranchised groups of their right to vote.

I trust this information provides a useful summary of the working relationship between the Senedd and Electoral Commission, to help inform the Committee's inquiry.

*December 2020*

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<sup>5</sup> Record of Proceedings, 15 January 2020, Equality, Local Government and Communities Committee <https://record.assembly.wales/Committee/5963#C259136>.

<sup>6</sup> This includes lowering the voting age for devolved Welsh elections from 18 to 16 and allowing foreign nationals to vote. Such changes will take effect from the next Senedd election at which the poll is held on or after 5 April 2021.