**Consultation Response Form**

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

**Consultation Questions**

*Availability and submission of nomination papers online (Principal and Community Rules)*

1. Do you agree that nomination papers should also be made available online for persons to download?

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1. Do you agree that a facility should be provided to enable completed, signed and attested nomination papers to be submitted online?

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1. How could the requirements for a candidate to sign their nomination paper and a witness to attest that signature be fulfilled if the nomination paper is submitted online?

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*N.b draft Rules 3(5), 4(2), 4(3) and 5(2) in Schedule 1 to the draft Principal rules includes italicised text in square brackets. The equivalent draft rules in the draft Communities Rules and in both Schedules 2 are also italicised. The use of italics is to highlight a new policy proposal which has emerged since the Welsh Government consulted on Electoral Reforms in local government in Wales in July 2017. We are consulting on this new proposal via the above consultation questions.*

*Nominations (Principals and Communities)*

1. Do you agree with a candidate self-nominating, subject to the candidate signing the nomination paper and that signature being attested by a single witness, instead of (i) in the case of a principal council election, the nomination paper being subscribed by a proposer, a seconder and by eight other assenters; and (ii) in the case of a community council election, the nomination paper being subscribed by a proposer and a seconder?

The changes mean that the candidate, at a principal council election or a community council election, would no longer submit a separate consent to nomination form.

If you disagree with these proposals please explain why.

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1. Do you agree that the additional options for candidates in providing commonly used forenames and surnames (including these being used in a different order) are sufficient to cover all cases in which it is reasonable to allow candidates to provide commonly used names?

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*Descriptions (Principals and Communities)*

1. Do you agree with the inclusion of the new options for candidates in terms of descriptions they may include relating to a registered political party, including the addition of descriptors “Wales”, “Welsh”, “Cymru” or “Cymreig” where these are not already part of a registered description for the party in question. Do you think there are other options that should be covered?

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The rules about descriptions which may be used by candidates at community elections are being brought in line with those at a principal council election. Effectively, this means that if a candidate at a community council election is not standing for a registered political party, the only options available to them are to describe themselves as “independent” or to have no description whatsoever. Do you agree with this change?

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*Statements of party membership (Principals and Communities)*

1. Rule 5 introduces a new requirement for candidates to submit a statement of party membership and makes it an offence to knowingly withhold information about party membership or include something which is incorrect. Does this address the concern about candidates not declaring their membership of a registered political party?

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*Home Address forms (Principals and Communities)*

1. Do you agree with the inclusion of a home address form, allowing candidates to request that their home address is not made public, as is already the case for other elections, including Senedd elections?

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*Personal Statements (Principals only)*

1. Do you agree with the options and requirements about candidate’s personal statements? Should anything else be included?

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*Nomination in more than one electoral ward and more than one electoral area (Principals and Communities)*

The existing rules allow a candidate at a principal council election to be nominated for more than one electoral ward at the same principal council election and for a candidate at a community council election to be nominated for more than one electoral area at the same community council election. In both cases the candidate must withdraw from all but one electoral ward or area before the close of nominations.

1. Do you agree that we should keep the existing arrangement that a candidate may be nominated in more than one electoral ward (principal council) or electoral area (community council) but must withdraw from all but one ward or area (respectively) before the close of nominations?

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Alternatively, should the rules require that a candidate must submit a nomination for no more than one electoral ward and no more than one electoral area at the same election?

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*Inspection of nomination forms and home address forms (Principals and Communities)*

1. If nomination forms and home address forms are submitted electronically, how should these be made available for inspection in accordance with the respective rules?

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*Use of school rooms and public rooms (Principals and Communities)*

1. Are there any schools in Wales to which grants are made out of money provided by the UK Parliament? (see Rule 27(1)(b) in the Principal Rules)

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*Issue of poll cards at a community council by-election (Communities only)*

Where a community council election is not held in combination with another election, official poll cards are issued only if the community council in question submits a request to the returning officer before 4pm on the 19th day before the day of election for poll cards to be issued. N.B. nevertheless, the returning officer must still issue an official poll card to any elector in that community who is registered anonymously.

The Welsh Government considers there would be benefits from requiring poll cards to be issued in all circumstances in terms of increasing voter awareness of the election, but we propose not to change the rule as yet, mindful of the possible cost implications for community councils.

1. Do you agree with this view? What would be the implications (good and bad) of requiring poll cards to be issued in all circumstances for community council elections?

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*Removal of formula for appointing counting agents (Principals and Communities)*

We have simplified the rule about the appointment of counting agents by removing the formula whereby the number counting agents allowed to a candidate must not be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates. The Welsh Government considers that it should be for the Returning Officer to consider the practicalities of the circumstances and the venue. The requirement that the number of counting agents must be the same for each candidate is retained.

1. Do you agree with the change removing the formula for appointing counting agents?

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*Changes to rules to reflect content of existing prescribed forms (Principals and Communities)*

New drafting has been included in certain rules simply to make the wording of the rule consistent with requirements which hitherto have been included only in the related prescribed form. It is not really appropriate for these matters to be apparent only from the forms. The proposed changes do not alter the existing requirements, but will clarify matters by inserting specific references in the relevant rule:

* that in some cases a registration officer may dispense with the need for a signature on the postal voting statement for certain postal voters (see for example Principal Rules 29(3), 55(8)(a) (Sch 1)and 59(3)(a));
* where an elector has an anonymous entry on the register, the poll card must always be sent or delivered in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry (see, for example Principal Rule 32(6)(b))
* to make clear that an elector with an anonymous entry on the register will be given a ballot paper in the polling station only if they are able to show their official poll card to the presiding officer (see for example, Principal Rule 43(3)(a)).
1. Do you agree that the changes are appropriate and the drafting makes the rules clearer and consistent with the related forms?

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*Companions of a voter with a disability or unable to read: relatives (Principals and Communities)*

1. Do you agree that the list of relatives who may act as the companion assisting a voter is expanded to include a “grandparent” and a “grandchild” of the voter?

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*Modernisation of language and lay-out (Principals and Communities throughout)*

1. The language used in the rules and the lay-out has been modernised with a view to making the required actions and procedures clearer and more accessible to officers, candidates and other readers. Has the clarity been improved? Has anything been left out which needs to be included?

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*Prescribed forms (Principals and Communities)*

The existing Conduct Rules each include an Appendix with 15 prescribed forms.

We consider that in many cases the requirements for the required procedure are sufficiently clearly expressed in the relevant rule so we propose to prescribe the following forms only: the nomination paper, the front and back of the ballot paper (including the directions as to printing the ballot paper), the form of the postal voting statement and the directions for the guidance for voters. We would not continue to prescribe the following forms: the corresponding number lists, the official poll cards, the certificates of employment and the declarations by a companion of a voter with disabilities. We will review the relevant rules to ensure the requirements about the contents are fully set out in the rule in question.

1. Do you agree with this change?

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*Community rules only – Introductory Rule 5 (signatures for request for election to fill a casual vacancy)*

Introductory Rule 5 states that in the event of a casual vacancy on a community council, if 10 local government electors for the community / community ward in question submit a request to the relevant returning officer for an election (“a by-election”), a by-election must take place, subject to certain other requirements set out in introductory Rule 5.

The Welsh Government understands that some Returning Officers consider an email setting out the names of the 10 electors is sufficient to meet the request requirement. We do not share this view; the Welsh Government interprets the intention of the rule is that such a request should be *signed* by each of the 10 electors (whether submitted manually or electronically). We are not clear how many Returning Officers share the view that an email is sufficient, so we have not yet changed the rule, but if clarification is needed we shall do so to ensure it is clear that a request is indeed endorsed by the persons whose names support the request.

We have no proposals as yet to change introductory Rule 5 to make the calling of a by-election automatic.

1. Do you agree with the Welsh Government’s interpretation of the current rule? If so, is amendment needed to allow the request to be submitted electronically and to provide assurance to the returning officer?

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*Emergency Proxy’s for reasons of COVID*

For the Senedd election in May 2021 and any local by-elections taking place up to November 2021, a further reason for making an application to vote by an emergency proxy was introduced. Electors who were not able to vote themselves because they were isolating for reasons of COVID or following Government advice were allowed to appoint an emergency proxy up to 5:00pm on the day of the election. We are giving consideration to whether the public health situation would indicate this provision should be extended further to allow emergency proxy for the reasons set out above for the 2021 local elections and any by-elections up to November 2022.

1. We would be grateful for views of how the process of applying and administering an emergency proxy of this sort may be improved.

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1. We would like to know your views on the effects that The Local Elections (Principal Areas) (Wales) Rules 2021 and The Local Elections (Communities) (Wales) Rules 2021 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be?  How could positive effects be increased, or negative effects be mitigated?

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1. Please also explain how you believe the draft Local Elections (Principal Areas) (Wales) Rules 2021 and the draft Local Elections (Communities) (Wales) Rules 2021 could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating Welsh language no less favourably than the English language.

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1. 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:

Please enter here:

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Responses to consultations are likely to be made public, on the internet or in a report.  If you would prefer your response to remain anonymous, please tick here: