# **Consultation: Senedd Cymru (Electoral Candidate Lists) Bill**

# **1. Background**

**Purpose of the consultation**

**We, the Reform Bill Committee, are looking into the Senedd Cymru (Electoral Candidate Lists) Bill (the Bill).**

**Possible changes to the Senedd elections**

**There will likely be changes to the way we vote by the next Welsh Parliament (the Senedd) election in 2026. It is proposed that all Members of the Senedd will be elected using a closed list. Political parties will put forward a list of candidates for each constituency. The candidates on the list will be in the order that the political party has chosen. Voters then vote for a political party’s list rather than a person, unless there is an independent candidate.**

**About the Bill**

**On the latest Census Day, 21 March 2021, the Welsh population was made up of 51.1% women and 48.9% men. At the last Senedd election, held in May 2021, 26 women (43%) and 34 men (57%) were elected. The purpose of the Bill is to make the Senedd a more effective legislature by ensuring that it broadly reflects the gender makeup of the Welsh population.**

**The Bill says it will do this with three rules which political parties will have to follow:**

1. **At least half of the candidates on a political party’s list must be women. This is called a minimum threshold. This rule won’t apply where there is only one person on the list or in the case of an independent candidate.**
2. **Where a candidate on the list is not a woman, the next candidate on a political party’s list must be a woman. This is called the vertical rule. This rule won't apply if there's only one person on the list, or if someone is running as an independent candidate.**
3. **Women must be placed first on at least half of a political party’s candidate lists. This is called the horizontal rule. Without this rule, political parties could place women lower down on each list of candidates. This could mean that women might be less likely to get elected.**

**All candidates on a political party’s list would be required to state either whether they are, or are not, a woman.**

**The Bill provides for the creation of a National Nominations Compliance Officer to oversee compliance with the horizontal rule.**

**The Bill also requires the Presiding Officer to propose the establishment of a Senedd committee to review the legislation.**

**If you would like to know more you can read the:**

* **Bill (**<https://senedd.wales/media/b2jib2uz/pri-ld16394-e.pdf>**),**
* **Explanatory Memorandum (**<https://senedd.wales/media/xp4dqjto/pri-ld16394-em-e.pdf>**), or**
* **Senedd Research article:** [**Senedd Cymru (Electoral Candidate Lists) Bill: delivering a gender balanced Parliament?**](https://research.senedd.wales/research-articles/senedd-cymru-electoral-candidate-lists-bill-delivering-a-gender-balanced-parliament/?utm_source=Senedd+Research%2C+Welsh+Parliament&utm_campaign=6ea7539a5b-Mailchimp_CAMPAIGN_2_16_2024_8_24__COPY_01&utm_medium=email&utm_term=0_63ce47a186-6ea7539a5b-243311794) **(**<https://research.senedd.wales/research-articles/senedd-cymru-electoral-candidate-lists-bill-delivering-a-gender-balanced-parliament/>**)**

**The closing date for submissions is 16.00, Friday 12 April 2024.**

**Providing Written Evidence**

The Senedd has two official languages, Welsh and English.

In line with the Senedd’s Official Languages Scheme (<https://senedd.wales/commission/senedd-commission-policy/official-languages/>) the Committee welcomes contributions in both or either of our official languages, and we ask organisations that are subject to Welsh Language standards or schemes to respond in line with their own obligations. Please inform the Committee when submitting responses if you intend to provide a translation at a later date.

Please see guidance for those providing evidence for committees. (<https://senedd.wales/senedd-business/committees/getting-involved-with-committees/>)

**Disclosure of information**

*(Standard text, please make clear if amended and why)*

Please ensure that you have considered the Senedd’s policy on disclosure of information (<https://senedd.wales/help/privacy/senedd-committee-privacy-notice/>) before submitting information to the Committee.

**Drafting Template**

This template is available for you to draft your responses should you wish to think on your answers prior to submitting your response. All responses should be submitted via the online consultation form and not be submitted via email.

[https://senedd.wales/committees/reform-bill-committee/consultation-senedd-cymru-electoral-candidate-lists-bill/](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsenedd.wales%2Fcommittees%2Freform-bill-committee%2Fconsultation-senedd-cymru-electoral-candidate-lists-bill%2F&data=05%7C02%7CCoordinationUnit%40senedd.wales%7Cfb5e631dcf4948b5dbe708dc44400baa%7C38dc5129340c45148a044e8ef2771564%7C0%7C0%7C638460289056747670%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=qyHOWj8UMYpnjBrIWjmC2QWQ4gHFw7jP5YgWMdqBsGI%3D&reserved=0)

**4. Your opinion**

To assist with our inquiry, the Committee would welcome your views on any or all of the following points:

Some helpful things to be aware of before you start answering the consultation questions:

* You do not need to answer every question, only those on which you wish to share information or have a view.
* If you provide any information that you feel is not suitable for public disclosure, please indicate which parts should not be published and give your reasons for this.

**General principles**

**1. What are your views on the general principles of the Bill and the need for legislation to deliver the Welsh Government’s stated policy objective (*to make the Senedd a more effective legislature by ensuring it is broadly representative of the gender make-up of the population*)?**
*(we would be grateful if you could keep your answer to around 500 words)*

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**Enforcement and compliance**

As part of the nominations process, candidates would be required to make a statement about whether they are a woman or not a woman. This statement will be used as the basis for enforcing the rules. Constituency Returning Officers (CROs) will take these statements at ‘face value’, meaning that they would not undertake any investigation into whether the information provided by a candidate is correct. CROs would be responsible for verifying that a minimum of 50% of candidates on each list have made a statement that they are women, and that the vertical rule is met. If a list does not comply, the CRO will be able to invalidate the nomination papers.

For the national quotas, the Bill gives the Welsh Government the power to appoint a National Nominations Compliance Officer (NNCO). This role would oversee compliance with the horizonal rule. If a political party’s lists do not comply with the rule, they will be given the opportunity to re-order one or more list to make them compliant. If they do not, then one or more lists would be chosen by the NNCO and re-ordered by the relevant CRO.

**2. What are your views on the system of enforcement and potential sanctions for non-compliance proposed in the Bill?***(we would be grateful if you could keep your answer to around 500 words)*

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**The Bill’s implementation**

The Regulatory Impact Assessment is set out in Part 2 of the **Explanatory Memorandum** (<https://senedd.wales/media/xp4dqjto/pri-ld16394-em-e.pdf>). This includes the Welsh Government’s assessments of the financial and other impacts of the Bill and its implementation.

**3. Are there any potential barriers to the implementation of the Bill’s provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?**

*(we would be grateful if you could keep your answer to around 500 words)*

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**4. Are any unintended consequences likely to arise from the Bill?***(we would be grateful if you could keep your answer to around 500 words)*

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**5. What are your views on the Welsh Government’s assessment of the financial and other impacts of the Bill?***(we would be grateful if you could keep your answer to around 500 words)*

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**Subordinate legislation**

The powers to make subordinate legislation are set out in Part 1: Chapter 5 of the **Explanatory Memorandum** (<https://senedd.wales/media/xp4dqjto/pri-ld16394-em-e.pdf>).

The Welsh Government has also set out its **statement of policy intent for subordinate legislation** ([https://business.senedd.wales/documents/s146049/Statement%20of%20Policy%20Intent%20PDF,%20313KB.pdf](https://business.senedd.wales/documents/s146049/Statement%20of%20Policy%20Intent%20PDF%2C%20313KB.pdf)).

**6. What are your views on the balance between the information contained on the face of the Bill and what is left to subordinate legislation? Are the powers for Welsh Ministers to make subordinate legislation appropriate?***(we would be grateful if you could keep your answer to around 500 words)*

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**Other considerations**

‘Legislative Competence’ is the term used to describe the scope of the Senedd's power to legislate. The ‘Reserved Powers Model’ established by the **Wales Act 2017** (https://www.legislation.gov.uk/ukpga/2017/4/contents) allows the Senedd to legislate on matters that are not reserved to the UK Parliament. A provision in a Senedd Bill is unable to modify the law on **reserved matters** (https://www.legislation.gov.uk/ukpga/2006/32/schedule/7B/paragraph/1).

**7. Do you have any views on matters relating to the legislative competence of the Senedd including compatibility with the European Convention on Human Rights?***(we would be grateful if you could keep your answer to around 500 words)*

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**8. Do you have any views on matters related to the quality of the legislation, or to the constitutional or other implications of the Bill?***(we would be grateful if you could keep your answer to around 500 words)*

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**9. Are there any other issues that you would like to raise about the Bill, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, or any related matters?***(we would be grateful if you could keep your answer to around 500 words)*

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