



National Assembly for Wales
Cynulliad Cenedlaethol Cymru

National Assembly for Wales Election 2007

Abstract

The paper provides an introduction to, and overview of, the forthcoming election to the National Assembly for Wales, to be held on 3 May 2007.

It includes an introduction to the electoral system; information on changes to electoral law; information about voter eligibility and voter registration and information for parties and candidates about the campaigning period and polling day.

March 2007



The National Assembly for Wales Election 2007

Members' Research Service

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Executive Summary

- ◆ The paper provides an introduction to and overview of, the forthcoming election to the National Assembly for Wales, to be held on 3 May 2007.
- ◆ The paper provides information about the campaign and procedures in the run up to polling day. However, the information is not exhaustive and prospective candidates and those involved in supporting them should consult the Electoral Commission or their local Electoral Administration Officers if they require advice.
- ◆ The paper flags up relevant developments arising from the *Electoral Administration Act 2006* and the *Government of Wales Act 2006*.

Topics included in the paper are:

- ◆ An explanation of the how the Additional Member System works.
- ◆ The Legal Context of the election, in particular the key changes included in the *National Assembly for Wales (Representation of the People) Order 2007* which covers the detail of procedures for the Assembly election.
- ◆ Information on who is eligible to vote; recent turnout figures in different elections; voter registration and work being done by different bodies to promote participation in the Assembly election.
- ◆ Issues relating to access to the electoral process for disabled voters and for those whose language is neither English nor Welsh.
- ◆ Information about procedures and campaigning in the run up to polling day, including the role of Returning Officers, Nomination and Campaign Finance.
- ◆ Information about Election day itself including attendance at the polling station; the conduct of Tellers and the procedures for the Count.

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The National Assembly for Wales Election 2007

1 Introduction

This paper is intended to provide an introduction to the third election to the National Assembly for Wales which takes place on 3 May 2007. It explains the electoral system and the legal context for the conduct of elections in Wales, highlighting key changes emerging from the *Government of Wales Act 2006* and the *Electoral Administration Act 2006*. It also discusses turnout at elections in Wales, voter registration and eligibility and issues relating to access.

The paper provides information about the campaign and procedures in the run up to polling day and on the day itself. However, the information provided here is not exhaustive and prospective candidates and others involved in supporting them should consult Electoral Commission Guidance or Electoral Administration Officers in their Local Authority if they require advice.

2 The Electoral System in Wales

2.1 The Additional Member System (AMS)

The Additional Member System of voting (AMS) was put in place by the *Government of Wales Act 1998*¹ and was an integral part of the devolution proposals, as explained in the White Paper, *A Voice for Wales*:

The electoral system will reflect the diversity of modern Wales and ensure fair representation for all areas and parties. Electors will have two votes – one for a candidate for their local constituency and another for a party list. This retains local constituencies while giving a strong element of proportional representation.²

The Assembly has 60 elected members and each voter has two votes. The first vote is used to elect a local or constituency Assembly Member in the same way as MPs are elected to the House of Commons using the First Past the Post system (FPTP). Forty Assembly Members are elected on this basis, one from each constituency in Wales.

The second vote is used to elect 20 additional members, on a regional basis, to ensure that the overall number of seats for each political party reflects the share of the vote they receive.

This system is known as the Additional Member System (AMS) which is a Mixed Member Proportional (MMP) system. AMS uses two elements one of which is a Proportional Representation (PR) system, the other is FPTP. The PR element compensates for any disproportionality arising under the FPTP.³ Mixed Member Proportional systems are used in nine nation states: Albania, Bolivia, Germany, Hungary, Italy, Lesotho, Mexico, New Zealand and Venezuela.⁴

¹ *Government of Wales Act 2006* (Chapter 32)

² Welsh Office, *A Voice for Wales*, White Paper, (Cm.), 1997.

³ IDEA, *Electoral System Design: the New IDEA Handbook*, 2005, Chapter

2. <http://www.idea.int/publications/esd/upload/chapter%202.pdf>

⁴ *Ibid.*, Chapter 3. <http://www.idea.int/publications/esd/upload/chapter%203.pdf>

For the PR element, there are five electoral regions, based on the European Parliamentary Constituencies created in 1994, and each region returns four members to the Assembly.

Each electoral region covers between seven to nine constituencies. There are four regional Assembly Members elected to each of the five regions.

These five electoral regions are:

- ◆ North Wales;
- ◆ Mid and West Wales;
- ◆ South Wales East;
- ◆ South Wales West;
- ◆ South Wales Central.

There are changes to the boundaries of Assembly constituencies and Assembly electoral regions that take effect for the Assembly election in May 2007. The Boundary Commission for Wales carries out regular reviews of the boundaries of parliamentary constituencies in Wales. The Commission's fifth periodical report on parliamentary constituencies and first report on National Assembly for Wales electoral regions was laid before parliament on 14 December 2005 and an Order implementing the Commission's recommendations came into force on 25 April 2006.⁵

There are major changes to parts of north Wales, with the creation of three new constituencies (Aberconwy, Arfon, and Dwyfor Meirionnydd) in place of the existing constituencies of Conwy, Caernarfon and Meirionnydd Nant Conwy.

The Commission has also redefined the North Wales and Mid and West Wales electoral regions to reflect the changes to constituency boundaries. There is also a minor adjustment to the boundary between the South Wales West and South Wales Central regions. More information about these changes can be seen in MRS Research Paper 07/006 *Assembly Constituencies and Electoral Regions*.⁶

The regional lists in Wales are 'closed lists' which means that voters vote for a political party. Ballot papers show the list of named candidates nominated by each political party and successfully elected candidates are drawn in order from the top of the relevant party list. Single independent candidates may also stand on the list.

Regional party lists must not include a person who is on another party list in the same region or on another regional list, nor may individual regional candidates be simultaneously included on party lists or stand in more than one region. A maximum of 12 persons and a minimum of one may be included on a regional party list.

The *Government of Wales Act 2006*, which transposed and modified the 1998 Act, sets out the methods and procedures for the return of Additional List Members to the National Assembly for Wales.⁷

2.2 The d'Hondt Formula

In Assembly elections, the d'Hondt formula, named after the Belgian mathematician and psephologist who invented it, is used for deciding which parties win regional list seats. It is

⁵ *The Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006*, UKSI 1041
<http://www.opsi.gov.uk/SI/si2006/20061041.htm>

⁶ MRS, *Assembly Constituencies and Electoral Regions*, Research paper 07/006, January 2007,
<http://assembly/presidingoffic/mrs/briefings/2007/mrs062541%20research%20paper%20-%20assembly%20constituencies%20and%20electoral%20regions.doc>

⁷ Op.cit., *Government of Wales Act 2006*, ss.8.9.

commonly used for allocating seats in countries with PR systems using party lists, for example Belgium.

d'Hondt is a "highest averages method" which requires the number of votes for each party to be divided successively by a series of divisors, and seats are allocated to parties that secure the highest resulting quotient or average, up to the total number of seats available.

For the National Assembly for Wales, the four additional Members from each of the five regions are elected by the following method:

- ◆ the number of votes cast for each party on the electors' second ballot paper per electoral region is counted;
- ◆ this total is divided by the number of constituency seats won by that party under FPTP plus one.

The formula can be expressed as:

A/(B+1) where:

A = the total number of electoral region votes cast for that party across all the constituencies in that electoral region;

B = the total number of constituency seats won by that party in that electoral region;
and

3) The party with the highest number after this calculation gains the first additional Member.

4) The calculation is repeated for the second to fourth additional members, in each case dividing the party list vote by the number of constituency seats plus one, and any additional member seats allocated in previous rounds. The table below illustrates how the formula works. For example, Party A won 116 votes under the party choice votes of the electorate but had 4 constituency members elected, therefore 116 is divided by 5 (4 plus 1) giving a total of 23.2. Similarly, Parties C and D won 2 constituency seats each, so their second ballot votes are divided by 2 plus 1, giving totals of 20.3 and 18.7 respectively. The party with the highest number after this calculation gains the first additional Member. In this case it is Party B.



Example of the use of the d'Hondt formula for the election of regional Assembly Members

	Party A	Party B	Party C	Party D
Total party votes cast (2nd ballot)	116	63	61	56
1st additional seat	$\div 5 = 23.2$	$\div 1 = 63$ elected	$\div 3 = 20.3$	$\div 3 = 18.7$
2nd additional seat	$\div 5 = 23.2$	$\div 2 = 31.5$ elected	$\div 3 = 20.3$	$\div 3 = 18.7$
3rd additional seat	$\div 5 = 23.2$ elected	$\div 3 = 21$	$\div 3 = 20.3$	$\div 3 = 18.7$
4th additional seat	$\div 6 = 19.3$	$\div 3 = 21$ elected	$\div 3 = 20.3$	$\div 3 = 18.7$
FPTP seats won	4	0	2	2
Additional Members	1	3	0	0
Total AMs	5	3	2	2

Source: National Assembly for Wales, Public Information

2.3 Dual Candidacy

In previous Assembly elections, in 1999 and 2003, candidates were able to stand for election in a constituency and put themselves forward for election on the Regional list. However, following the passing of the *Government of Wales Act 2006* they will no longer be able to do this.

The Act lays down rules in relation to entitlement to be a candidate for Assembly constituencies and electoral regions at a general election. A person may not be a candidate for more than one constituency; a person may not be included by a registered political party in its list of candidates for more than one electoral region; nor may a person who is a candidate for any constituency be included in any of a party's regional lists. Similarly, a person may not be an individual candidate for an electoral region if that person is also a candidate for any constituency or on any list of candidates submitted by any registered political party for any electoral region.⁸

⁸ Op.cit., *Government of Wales Act 2006*, s. 7.

3 The Assembly Election: The Legal Context

3.1 UK Legislation

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

The Department for Constitutional Affairs (DCA) is responsible for the legislative framework for UK Parliamentary elections and European Parliamentary elections. It also co-ordinates policy on UK-wide electoral matters. It is responsible for the key pieces of UK electoral legislation such as the *Representation of the People Act 1983 (RPA 1983)*⁹; the *Political Parties, Elections and Referendums Act 2000 (PPERA 2000)* and the recent *Electoral Administration Act 2006*. The DCA is responsible for funding UK Parliamentary and European Parliamentary elections

The *PPERA 2000* established the Electoral Commission and gave it, amongst other functions, 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.

The Commission's Wales Office is responsible for delivering the corporate aims of the Commission in the context of Wales.¹⁰ It produces a statutory report on the conduct of Assembly Elections and General Elections in Wales.¹¹ In 2004, it also produced a report on the Local Elections at the request of the National Assembly.¹²

The DCA also has responsibility for the conduct of council elections, both at county and community level in Wales. The National Assembly for Wales, does, however, have certain limited powers on local elections. 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 held in three out of every four years. In each case, the term of office would remain as four years.

The *Local Government Act 2000* 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

⁹ The *Representation of the People Act 1918* (1918 RPA) was consolidated into the 1948 RPA, which was again consolidated by the RPA 1983. There has been no consolidation since then, despite RPAs in 1985, 1989, 2000 and several other enactments changing electoral law. There is a series of regulations made under the RPA 1983 which apply detailed election rules to the various types of elections.

¹⁰ Electoral Commission, Submission to the Committee on Standards in Public Life on the work of the Electoral Commission in Wales, 2006.

¹¹ Electoral Commission, *National Assembly for Wales elections 2003: The official report and results*, 2003.

<http://www.electoralcommission.org.uk/templates/search/document.cfm/8855>

¹² Electoral Commission, *Local elections in Wales 2004*, 2004.

<http://www.electoralcommission.org.uk/templates/search/document.cfm/11363>

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.

Elections to the National Assembly for Wales occur every 4 years on the first Thursday in May. Previous elections were held in 1999 and 2003 and elections to the Third Assembly take place on 3 May 2007.

2006 saw the introduction of two key pieces of legislation regarding the Assembly Elections. The *Government of Wales Act 2006* has superseded the 1998 Act and introduced some changes to the conduct of elections. For example, it provides for the Secretary of State to make Orders allowing for the conduct of Extraordinary General Elections and ended the practice of dual candidacy. The new *Electoral Administration Act 2006* has also introduced a number of changes regarding access to registration, postal votes, voting on polling day and provided for changes to the administration of elections. It also introduced measures to improve security and transparency and introduced a new regime for regulation of loans to political parties. The Act applies to Wales, England and Scotland, although secondary legislation made under the Act is made separately for Scotland.

3.2 The National Assembly for Wales (Representation of the People) Order 2007

Section 11 of the *Government of Wales Act 1998* enables the Secretary of State to make an Order governing the detail of the conduct of the elections.¹³ The *National Assembly for Wales (Representation of the People) Order 2007* ("the Order")¹⁴, came into force on 1 February 2007, following its debate and approval by both Houses of Parliament.¹⁵ It repeals and replaces the *National Assembly for Wales (Representation of the People) Order 2003* ("the 2003 Order").

The Order covers the 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.

The passage of the *Electoral Administration Act 2006* has brought about substantial changes to the rules for parliamentary and local government elections, largely based on recommendations made by the Electoral Commission and aimed at improving access to, and encouraging participation in, elections; enhancing confidence in the security of the electoral system, especially in minimising the risk of postal voting fraud; extending openness and transparency in party funding; and ensuring the conduct of elections in a professional manner.

The purpose of the Order is to apply these changes to National Assembly elections. It adapts the changes that have been made to procedures for other elections so that they also apply to the conduct of Assembly elections. The Assembly election rules are set out in Schedule 5 of the Order.

Some key changes in the Order are:

¹³ Although the elections will be elections to the Assembly constituted by *Government of Wales Act 2006*, the actual elections will be conducted under the *Government of Wales Act 1998*

¹⁴ *National Assembly for Wales (Representation of the People) Order 2007*, UK SI No.236, 2007. <http://www.opsi.gov.uk/si/si2007/20070236.htm> and Explanatory Memorandum http://www.opsi.gov.uk/si/em2007/uksiem_20070236_en.pdf

¹⁵ HC Debates, General Committee on Delegated Legislation, 29 January 2007.

<http://www.publications.parliament.uk/pa/cm200607/cmgeneral/deleg3/070129/70129s01.htm> and HL Debates, 23 January 2007, c.1067 <http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70123-0011.htm>



- ◆ The declaration of identity, which had to be signed in the presence of a witness, is replaced with a requirement for postal voters to complete a postal voting statement. That statement will not be witnessed, but voters will have to include personal identifiers such as their signature and date of birth to enable returning officers to make comparisons with details in their records. Anyone requesting an absent vote will have to provide their personal identifiers as part of the application process.
- ◆ Personal identifiers will have to be collected from existing absent voters, and schedule 2 provides for that to be done ahead of the May elections. To minimise the risk of people falling off the list of postal voters, electoral registration officers will be required to send at least one reminder to anyone who fails to respond to the first request. Personal identifiers collected for parliamentary or local government elections will be equally valid for Assembly elections, so there will be no need to collect a second set. However, the identifiers must be on file before a person exercises an absent vote. If, after due notice, an elector does not provide them, that elector's name will be removed from the list, although that will not prevent them from submitting a new application to vote by post or proxy.¹⁶
- ◆ Returning officers will initially be required to check at least 20 per cent of postal votes against personal identifiers.
- ◆ The Order clarifies that if an elector asks for confirmation of receipt of his postal vote, the Returning Officer may give that information, after referring to the relevant lists, provided he or she is satisfied as to the identity of the elector.
- ◆ The proscription of offences in article 14 of the Order addresses the abuse of absent votes. They include the fraudulent provision of a signature and other acts aimed at fraudulently gaining a vote or depriving another elector of their right to vote.
- ◆ The Order implements greater flexibility for voting by patients detained in mental hospitals, who could previously vote only by post or by proxy. The Order recognises the right of such electors to vote in person at a polling station, so long as the hospital gives them leave of absence to do so. Such patients may apply for an "emergency" proxy vote at any time after the deadline for proxy applications (6 days before polling day) and up until 5pm on polling day. The Order also allow electors who are unable to vote in person due to a disability that has arisen between the deadline for proxy applications and polling day itself, to appoint a proxy up until 5pm on polling day.
- ◆ New poll cards are prescribed to make clear the voting arrangement that applies to each elector. Returning officers will now be required to send poll cards to all electors, including those with a postal or proxy vote.
- ◆ After the election is over and the results have been counted and declared, election documents will be stored locally instead of being forwarded to the Assembly. This

¹⁶ Section 14 of the *Electoral Administration Act* provides for the collection of personal identifiers of postal and proxy voters in order to deter electoral malpractice. Regulations have already been made in respect of Parliamentary elections in the U.K. and local government elections in England - the *Absent Voting (Transitional Provisions)(England and Wales) Regulations 2006*. Schedule 2 of the Order replicates those new arrangements for Assembly elections requiring existing absent voters to provide personal identifiers which may be the subject of a check at the time of an election and also provides for the collection of a signature and date of birth from those registered for an absent vote on 1st February 2007, the date the Order comes into force.



will allow easier access to documents made available to parties and candidates. Documents relating directly to a poll will continue to be sealed up, ensuring that information that might disclose how a particular vote was cast cannot be accessed without a court order.

- ◆ As with other elections, Assembly ballot papers will no longer have counterfoils. This will allow returning officers to streamline the printing process. The issue of ballot papers will be recorded on a corresponding number list, which will be sealed up after the poll and can be opened only with a court order.
- ◆ The design of the regional ballot paper has changed. In previous Assembly elections, this showed party names and the names of list candidates in columns, and the elector marked their vote at the top. Feedback from voters showed that they did not find this layout helpful. After consultation with political parties and the Electoral Commission, a new regional ballot paper has been prescribed, which is more like the traditional constituency paper.
- ◆ Following amendments made to *PPERA 2000*, the Order provides for party candidates to use either their party name or one of its registered descriptions on the ballot paper. Concern was voiced in 2003 that the six-word limit prevented some parties using a bilingual description. That has now been fully addressed. In Wales, ballot papers may show both the English and Welsh versions of a party's name, while registered descriptions can include up to six words of English and six words of Welsh.
- ◆ Part 3 of the order, together with Schedules 6, 7 and 8, is concerned with the election campaign, including limits on election expenses, which have been updated in line with the recommendations of the Electoral Commission. Schedule 7 defines election expenses and is consistent with the equivalent definition for parliamentary elections. The Electoral Commission will have power to prepare guidance expanding on these provisions.
- ◆ The Order sets out the procedure for the sorting of returned postal ballot papers once they have been removed from their covering envelopes. These provisions are intended to ensure that secrecy is maintained by providing that ballot papers are always sorted face down, meaning that election staff and agent of political parties cannot see how an elector has voted.
- ◆ Part 4 and Schedule 9 make provision for legal proceedings to challenge the result of an election and prescribe appropriate remedies comparable to those applying to parliamentary elections.
- ◆ Part 5 deals with a range of miscellaneous and administrative matters. Article 141 gives returning officers discretion to translate documents into languages other than English and Welsh and to use Braille or other means of communication.

4 Who Votes?

4.1 Who can vote?

The following people can register to vote in European parliamentary, British parliamentary elections (this means general and by-elections), elections to the National Assembly for Wales and local government elections:

- ◆ British citizens;
- ◆ Citizens of the Republic of Ireland who are resident in the UK;
- ◆ British Overseas Territories citizens who are resident in the UK;
- ◆ Commonwealth citizens who are resident in the UK.

They **must** be registered in Wales to be eligible to vote in elections to the National Assembly for Wales.

A national of another Member State of the European Union (EU) resident in the United Kingdom has the right to vote in Local Government and European Parliamentary elections but not UK General Elections. They can vote in elections for the National Assembly for Wales. This includes Member States which acceded to the EU in 2004, such as Poland and Bulgaria and Romania, which joined in January 2007.

4.2 Turnout at Assembly Elections

Voter turnout is one measure of citizen participation in politics. It is usually expressed as the percentage of voters who cast a vote (i.e., "turn out") at an election. Between 1945 and 2001 average turnout in Western Europe has been 78 percent and in the UK 75.2 percent. However, there has been a notable decline in voter turnout across countries since the mid-1980s. This decline is similar whether turnout is measured as a percentage of registration or as a percentage of the voting age population.¹⁷

Turnout at local and European elections in the UK has tended to be much lower than in General Elections and Assembly Elections have also seen a lower turnout. This, it can be argued is because they are seen as 'second order' elections in which people are less inclined to turn out to vote than in "national" elections.¹⁸ In Wales, 25 percent of people felt that it mattered who won the local council election and 21% the European election, in 2004.¹⁹

¹⁷ Pintor R L & Gratschaw M, *Voter Turnout since 1945: A Global Report*, International Institute for Democracy & Electoral Assistance (IDEA), 2002.

http://www.idea.int/vt/survey/voter_turnout1.cfm

¹⁸ R W Jones & R Scully, *Devolution & Electoral Politics in Wales*, Paper to the Annual Conference of the Political Studies Association, April 2004. <http://www.psa.ac.uk/cps/2004/Jones.pdf>

¹⁹ ICM Report, *The June 2004 Elections – the public perspective*, Electoral Commission, 2004.

http://www.electoralcommission.gov.uk/files/dms/ICMJune2004elections_14610-11009_E_N_S_W_.pdf

Table 1: Turnout in Elections in Wales 1999-2005

Election	Year	% Turnout
National Assembly for Wales	1999	46
Welsh Local Government	1999	49
European Elections (Wales)	1999	28
UK General Election (Wales)	2001	62
National Assembly for Wales	2003	38
Welsh Local Government	2004	42
European Elections (Wales)	2004	42
UK General Election (Wales)	2005	62

Source: *Electoral Commission*, 2003, 2004, 2005

Concerns about falling turnout generally and low turnout at the last Assembly elections have prompted politicians and key players such as the Electoral Commission and the political parties to address the issues of encouraging voter registration, different ways of voting and promoting awareness of the Assembly elections in May 2007. The Local Government and Public Services Committee (LGPS) conducted a scrutiny project on Electoral Arrangements in Wales which reported in December 2006 which considered a range of issues including voter registration and turnout, especially amongst young people.²⁰ A list of the Committee's recommendations can be seen in **Annex 1**.

4.3 Registration

Electoral registration is the compiling and keeping of the electoral register. Section 8 of the *RPA 1983* requires Electoral Registration Officers (EROs) to be appointed in order to register electors. EROs are required to prepare and publish a register of electors for their area each year and maintain it throughout the year. It is their statutory duty to include the names of everyone who appears to them to be eligible, taking reasonable steps to obtain the required information. A canvass form is sent to each household in the UK every autumn for completion and return by the householder. The form asks for the details of all those eligible to vote (or eligible to vote in the near future) who are resident on 15 October. Since February 2001 the introduction of a rolling register has provided a voluntary means by which an individual can amend his or her registration details.

The Electoral Registration Officer is required to publish two versions of the Register of Electors. The 'full' version lists everyone who is entitled to vote. Access to this version is restricted by law and only certain people or organisations are allowed to use it, and only for specific purposes. The 'edited' version of the Register leaves out the names and addresses of those electors that have asked to be omitted from that version. The edited version can be purchased by anyone and can be used for any purpose.

Although registration is not in itself compulsory, an ERO has the power to require information for the purposes of maintaining the Register of Electors. A penalty for failing to complete and return the electoral registration form or for giving false information was first imposed in 1918 and extended to include rolling registration in 2006. The current penalty for this offence is a fine not exceeding £1,000. Prosecution is very rare.

Once compiled the Register allows the ERO to send out polling cards prior to polling day as well as provide lists of eligible voters to polling stations.

The Electoral Commission estimates that up to 3.7 million people across England and Wales, or between eight to nine percent of the eligible population, are not registered to

²⁰ Local Government & Public Services Committee (LGPS), *Report on the Scrutiny Project on Electoral Arrangements in Wales*, December 2006. <http://www.wales.gov.uk/keypubassemlocgovpubsvs/content/elect-arrange-e.pdf>



vote. It has also found that people from minority ethnic groups are three times as likely to be unregistered as white people. Young people and those who live in densely populated urban areas, where the mobile population means people are slipping off the register, are also under-registered.²¹

4.4 Promoting the Assembly Elections

Schedule 2 of the *Government of Wales Act 2006* provides for the Assembly Commission, that will be appointed after Assembly elections in May 2007, to promote public awareness of the election system and devolved government, either directly or by financial support for the Electoral Commission. Transitional arrangements set out in Schedule 11 of the Act mean that in practice the existing Assembly can exercise these powers in the run up to the May 2007 Election.

With this in mind LGPS Committee made some specific recommendations in their Report on Electoral Arrangements in Wales.²²:

We recommend that the Assembly makes full use of the powers provided for in Schedule 11 of the Government of Wales Act 2006 to promote registration for the Assembly elections in 2007 – in particular the fact that it is possible to register up to 11 days before polling day.²³

In January 2007 the Shadow Commission received a paper outlining a response to recommendations made to the Assembly Commission in the LGPS Committee Report. It was noted that a good working relationship had been established with the Electoral Commission, and a joint leaflet promoting the 2007 elections had been agreed. The LGPS Committee also made some recommendations about the Assembly Commission's role in the future in promoting elections and awareness of the Assembly itself.²⁴ The Shadow Commission determined that individuals in the Assembly should be tasked with developing a strategy for promoting elections and encouraging participation in the democratic process, particularly among young people, after the May 2007 elections. It was also noted that the Assembly House Committee has agreed to participate in the Operation Black Vote initiative²⁵, whereby members of the BME community can shadow AMs before and after the election in May 2007.²⁶

An all Wales Election Planning Group has been operational since September 2005. This was set up by the Welsh Assembly Government in order to provide a strategic overview of electoral issues in Wales. It is made up of representatives of the Association of Electoral Administrators (AEA), the Electoral Commission, the Wales Office, the UK Department of Constitutional Affairs, a representative of Returning Officers, Assembly Government officials and officials from the four main political parties in Wales. It also liaises with broadcasters in Wales and meets on a quarterly basis.

²¹ Electoral Commission, *Don't Lose your Right to Vote!*, 2007. <http://www.electoralcommission.org.uk/your-area/wales.cfm>

²² Op Cit., LGPS, *Electoral Arrangements in Wales* Report, 2006.

²³ Ibid., Recommendation 6

²⁴ Ibid., Recommendations 7 & 30,

²⁵ Operation Black Vote, website. <http://www.obv.org.uk/>

²⁶ National Assembly for Wales, Shadow Commission, Minutes, SC(1) 01-07, 16 January 2007, para.9 <http://www.wales.gov.uk/keypubassemshadowcomm/0107-minutes-e.htm>

5 Access Issues

5.1 Disabled Access

Making voting easier for the elderly and the disabled is important for turnout and the fairness of elections. Postal voting and easier access to polling stations are ways of making voting easier for the disabled. The disabled often experience physical obstacles hindering their right to vote. The location of the polling station can impair mobility, and resources are not always available to adjust to special needs.

There has been some debate about whether a polling station should be regarded as providing a service to the public. However, the Electoral Commission supports the view that the voting process is a public service.²⁷ The UK Government concurred with this view in its response to the Commission Report, *Voting for change*, stating "We take the view, as does the Electoral Commission that the *Disability Discrimination Act 1995* (DDA 1995) applies to the provision of the facilities for polling."

Since December 1996, it has been unlawful for a service provider to discriminate against a person with disabilities. Discrimination includes:

- ◆ refusing to provide any service to people with disabilities that it provides to non-disabled people;
- ◆ providing a worse standard of service to people with disabilities than it provides to non-disabled people.

From 1 October 2004, service providers have had to make reasonable adjustments to the physical features of their buildings to overcome physical barriers to access. This covers many of the buildings used as polling stations, as they are in use for a wide variety of other functions.

The DDA 1995 has now been amended by the Disability Discrimination Act 2005 (DDA) to place a duty on all public sector authorities to promote disability equality, and required councils to publish a Disability Equality Scheme by 4 December 2006. The Electoral Commission advises that local authorities should consider taking issues related to the Equality Duty into account when considering access to the democratic process and states that "Returning Officers will want to have regard to their authority's disability equality scheme".²⁸

The RPA 1983 places an obligation on local authorities, so far as is reasonable and practicable, to designate as polling places only places which are accessible to people with disabilities, and to give all electors within their area such reasonable facilities for voting as are practicable in the circumstances. There is also a requirement to keep the polling places under review. Local authorities will be required to undertake a review of polling districts and places within a year of Section 19 of the *Electoral Administration Act 2006* coming into force.

The 'Polls' Apart' survey undertaken by SCOPE at the 2001 election found many polling stations inaccessible. In January 2003 the Electoral Commission published best practice guidance for electoral administrators.²⁹ Nevertheless, in its report on the 2003 Assembly

²⁷ Electoral Commission, *Guidance for managing elections to the National Assembly for Wales*, Part B, Ch.4 "Equal Access". http://www.electoralcommission.gov.uk/files/dms/Wales-Guidance-PartB-Final-2007-01-31_24260-17952_W_.pdf

²⁸ *Ibid.*, para.4.14

²⁹ Electoral Commission, *Equal Access to Electoral Procedures*, 2003.

Elections the Commission found that many disabled people felt that their needs were not sufficiently catered for.

The Electoral Commission claimed to have seen 'a positive and gradual improvement in the number of accessible polling stations in Wales' by the 2004 Local Elections. However, 'Polls Apart Cymru' surveyed around 150 polling stations and found that 77% did not meet its criteria for accessibility.³⁰ In the 2005 General Election, "Polls Apart Cymru" found that overall, Welsh stations were less accessible than the UK average. 70 percent failed the their basic access test, compared to 68 percent across the UK.³¹

The RPA 2000³² covers a wide range of issues connected with voting, and introduced new statutory obligations on Returning Officers to ensure greater access to the electoral process. These include:

- ◆ A large-print ballot paper must be displayed in each polling station.
- ◆ A device for visually impaired voters, as prescribed, must be provided at each polling station.
- ◆ All voters, on the grounds of blindness or other physical incapacity, and those voters who cannot read, can have a companion to assist them when voting or can require the Presiding Officers to assist them.
- ◆ A person who is resident in a mental hospital, whether detained or in a voluntary capacity, can use the hospital as an electoral address and thereby be eligible to vote.
- ◆ Postal voting must be available on demand to anyone who wishes it, for as long a period as is required. Proxy voting is also available, but electors have to provide a reason on their application form.

5.2 Postal Voting

Postal voting can assist disabled and elderly voters to take part in the electoral process. However, The right to choose to vote by post by all voters, on demand, was introduced by the RPA 2000, and all postal vote pilots in parts of England, boosted turnout in the 2004 Local Elections in England and in the European Elections. In the 2004 Local Elections Wales had the highest level of people requesting postal votes (just under 11%) in the UK. 66% returned them, accounting for 15% of all votes.³³

However, subsequent concerns were expressed about the security of postal voting, especially following some prosecutions for electoral fraud, and the capacity of EROs to deal with the demand.³⁴ The Electoral Commission called on the Westminster Government to undertake a wider review of the legal framework for postal voting so that it is fit for the purpose of dealing with increased levels of postal voting.³⁵

The *Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006*,³⁶ require absent voters to provide personal identifiers to Electoral Registration Officers (EROs). *The Electoral Administration Act 2006*³⁷ provides for persons voting by

³⁰ Electoral Commission Wales, *Local Elections in Wales*, 2004.

³¹ Scope Cymru, *Polls Apart 4, the 2005 General Election in Wales*, 2005.

<http://www.pollsapart.org.uk/2005/docs/Polls%20Apart%20Wales.doc>

³² *Representation of the People Act 2000* (Chapter 2), s.13.

³³ Op.cit., Electoral Commission, *Local Elections in Wales*, 2004..

³⁴ Op. Cit. Electoral Commission Wales, 2004.

³⁵ Electoral Commission *Delivering Democracy? The future of postal voting*, 2004.

³⁶ Draft Statutory Instrument, *Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006*
<http://www.opsi.gov.uk/si/si2006/draft/20065203.htm#39>

³⁷ *Electoral Administration Act 2006*, (Chapter 22), http://www.opsi.gov.uk/acts/acts2006/ukpga_20060022_en.pdf



post to provide their signature and date of birth on their postal vote application form and on the postal voting statement that accompanies the ballot paper. These measures aim to improve security for postal voting, and protect against the risk of future incidences of fraud. They are also intended to provide greater evidence for a relevant police authority investigating any allegations or possible incidences of electoral fraud.

The regulations set out the process by which personal identifiers are to be collected, and how they will be used to check the validity of returned postal votes. The regulations set out the requirement for providing a signature and date of birth on an absent vote application form. It provides for the minimum dimensions of the box for providing signatures and the format in which dates of birth should be provided. It also provides for applications from electors who wish to be exempt from providing personal identifiers due to disability or an inability to read or write. The regulations provide the EROs when dealing with absent voting applications, with a power to check any signatures or dates of birth previously provided by the applicant to EROs or Returning Officers, or any previously provided by the applicant to the local authority. They also require the EROs to obtain a fresh signature from absent voters every 5 years to ensure signatures are up to date and take account of changes to a person's signature, and to keep a separate record of absent voters' personal identifiers.

The Electoral Commission has issued a Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers at elections to the National Assembly for Wales.

All political parties, candidates and canvassers handling postal vote applications and postal ballot papers should adhere to the following two key principles:

- ◆ Candidates and supporters should assist in the efficient and secure administration of elections and uphold the secrecy of the ballot.
- ◆ No candidate or supporter should place themselves in a situation where their honesty or integrity – or that of their party or candidate – can be questioned.³⁸

5.3 Language Issues

Linguistic ability is an important factor in allowing individuals to access the electoral process, whether in terms of registration, as discussed above, or in the act of voting, such as understanding the ballot paper or being able to access advice. Currently, key statutory forms such as ballot papers and registration are available in English and Welsh in Wales.

Article 141 of the Order, under the *Electoral Administration Act 2006*, gives returning officers discretion to translate documents into languages other than English and Welsh and to use Braille or other means of communication.

The Electoral Commission website, **aboutmyvote.co.uk**, provides information in Arabic, Bengali, Chinese (traditional), Gujarati, Punjabi, Urdu and states that information in other languages may be available on request.³⁹

In its Guidance to Returning Officers for the Assembly Election, the Electoral Commission states:

³⁸ Electoral Commission, *Code of conduct for political parties, candidates and canvassers on the handling of postal vote applications and postal ballot papers at elections to the National Assembly*, February 2007.

http://www.electoralcommission.gov.uk/files/dms/NAW-CodeofConduct-Final-06022007_24417-18082_W_.pdf

³⁹ Electoral Commission, *aboutmyvote* webpages, Information in Languages other than English and Welsh.

<http://www.aboutmyvote.co.uk/toolkit/languages.cfm?Pcode=SA313BU>

Members' Research Service: Research Paper
Gwasanaeth Ymchwil yr Aelodau: Papur Ymchwil



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Nomination papers and ballot papers are prescribed and must be produced in both English and Welsh.

All other documents that are required to be displayed or provided to voters for the purposes of the election must be bilingual (English and Welsh) and, if the Returning Officer thinks appropriate, be translated into:

- ◆ Braille;
- ◆ other minority languages;
- ◆ graphical representations of the information contained in the document(s);
- ◆ other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information (including audio).⁴⁰

⁴⁰ Op.Cit., Electoral Commission, *Guidance on Managing Elections*, Part B, Ch.4, "Equal Access", 2007.

6 Preparing for Election Day

6.1 *The role and responsibilities of Returning Officers*

Returning officers are responsible for the conduct of elections and are appointed separately for different elections. The *National Assembly for Wales (Representation of the People Order) 2007* prescribes returning officers for Assembly constituencies and regions for the 2007 Elections. These can be seen in **Annex 1**.

Two kinds of Returning officer are appointed for Assembly elections: Regional and Constituency. They have different roles and responsibilities.

6.1.1 *The Constituency Returning Officer*

Constituency Returning Officers are responsible in law for the conduct of assembly elections. Election staff in local authorities are accountable to the relevant individual Constituency Returning Officers for the conduct of their election duties.

Each local authority appoints a Returning Officer, usually the Chief Executive or another senior officer of the council, who is personally responsible for the conduct of the election. This individual will be designated as a Constituency Returning Officer for the elections to the National Assembly for Wales.

While undertaking election duties, the Returning Officer, although usually a senior employee of the council, is not accountable to the local authority, but is independent and answerable only to the courts. The same position applies to the staff appointed by Returning Officers to help them run the election.

The Returning Officer is required to appoint a Presiding Officer for each polling station in the electoral area, and may appoint as many of the following staff as are needed to assist in the conduct of the election:

- ◆ Deputy Returning Officers
- ◆ staff for the issue and receipt of postal votes
- ◆ Presiding Officers and Poll Clerks
- ◆ counting staff
- ◆ other staff to assist with other duties as part of the election process⁴¹

6.1.2 *Regional Returning Officers*

Regional Returning Officers must also be local government Returning Officers and are appointed by the Assembly⁴²

The Regional Returning Officer is solely responsible for:

- ◆ nominations for the regional election
- ◆ calculating by the d'Hondt method the allocation of regional seats
- ◆ recalculations of the allocation of regional seats, if requested

⁴¹ Electoral Commission, Guidance for Returning Officers for National Assembly for Wales Elections 2007, Part A: The Context http://www.electoralcommission.gov.uk/files/dms/Wales-Guidance-PartA-Final-2007-01-31_24258-17951_W_.pdf

⁴² Ibid., Part B, paras.1.17–1.21. http://www.electoralcommission.gov.uk/files/dms/Wales-Guidance-PartB-Final-2007-01-31_24260-17952_W_.pdf

- ◆ return or forfeiture of deposits received in respect of the regional election.

The Regional Returning Officer is not responsible for the conduct of the poll or of the count, and cannot ask for a recount of either the constituency or the regional ballot papers. They are obliged to inform the Constituency Returning Officer of the regional result, and may request that they display locally notices, etc relating to the regional part of the election.

In September 2006, the Minister of Local Government, Finance and Public Services, Sue Essex AM, announced the appointment of the Regional Returning Officers for the 2007 Election:

- ◆ Mid and West Wales: Mr Bryn Parry-Jones, returning officer for Pembrokeshire
- ◆ North Wales: Mr Ian Miller, returning officer for Denbighshire;
- ◆ South Wales Central: Mr Byron Davies, returning officer for Cardiff;
- ◆ South Wales East: Mr Christopher Freegard, returning officer for Newport;
- ◆ South Wales West: Mr Kenneth Sawyers, returning officer for Neath Port Talbot.⁴³

6.1.3 *Returning Officers for other Elections*

For Parliamentary elections the returning officer is appointed by the prescribed local authority for all, or a substantial part of each constituency concerned. It is a ceremonial role filled by the Chair of the local authority. The substantive duties of electoral administration are carried out by the acting returning officers (i.e. the EROs).⁴⁴ Local authorities also appoint returning officers for local elections. However, the Secretary of State for Constitutional Affairs prescribes a Parliamentary constituency acting returning officer to be the returning officer for a European election region.⁴⁵

6.1.4 *Costs*

The National Assembly for Wales has delegated powers in relation to meeting the costs of Returning Officers in conducting Assembly elections and the cost recovery scheme, which is specified in the *Returning Officers (Fees and Charges) Order*.⁴⁶ The Assembly is also responsible for the local government funding settlement in Wales, which includes funds for electoral services which deal with voter registration and the conduct of elections.

6.2 *Candidates, Political Parties and the Assembly Elections*

The Electoral Commission has produced detailed guidance for candidates and agents contesting elections to the National Assembly for Wales in 2007: *Guidance for candidates and agents: elections to the National Assembly for Wales, 3 May 2007*. This covers the whole election process from nomination to declaration of result. The Electoral Commission also advises that interested parties should refer to its website at www.electoralcommission.org.uk/elections2007 for updates to the Guidance in advance of the election period.⁴⁷

⁴³ Welsh Assembly Government, Press Release, *Sue Essex announces regional returning officers for National Assembly elections*, 4 September 2006.

<http://new.wales.gov.uk/news/archivepress/localgovculpress/locgovpress2006/1086426/?lang=en>

⁴⁴ Acting Returning Officers are the Electoral Registration Officers as appointed under the *Representation of the People Act 1983* s.8. Usually these are the Chief Executive of the Local Authority.

⁴⁵ *European Parliamentary Elections (Returning Officer) Order 2004* SI No. 1056

⁴⁶ *National Assembly for Wales (Returning Officers' Charges) Order 2006*, SI3268 (W.298), 2006.

<http://www.opsi.gov.uk/legislation/wales/wsi2006/20063268e.htm>

⁴⁷ Electoral Commission, *Guidance for candidates and agents: elections to the National Assembly for Wales, 3 May 2007*. <http://www.electoralcommission.gov.uk/elections/candidateswales2007.cfm>

6.3 Registration of Parties and Nomenclature

PPERA 2000 requires political parties to register with the Electoral Commission in order to field candidates at an election. Parties can also register up to 12 descriptions with the Commission. Where parties have registered separate bilingual descriptions in English and Welsh, both can be used.

Candidates may contest elections to the National Assembly for Wales as independents although in such circumstances the candidates may only use the description 'Independent' and/or 'Annibynnol' on the ballot papers. Alternatively, they may choose to use no description at all.

All candidates have four options with regard to how they describe themselves:

- ◆ Leave the description part of the form blank, in which case no description will appear on the ballot paper.
- ◆ Use the description 'Independent' and/or 'Annibynnol'.
- ◆ Use the name of a political party or one of its registered descriptions – the use of which has been authorised in writing by the nominating officer of a registered political party or someone appointed to act on their behalf. The name or description which is to be used must be **exactly** the same as that which is registered with the Electoral Commission. This applies to monolingual and bilingual descriptions.
- ◆ Use the joint description registered by two or more registered political parties. This applies to monolingual and bilingual descriptions. It should be noted that this final provision applies only to constituency candidates and **not** to regional candidates.

6.4 Running for Election

6.4.1 Eligibility

To qualify as a candidate for elections to the National Assembly for Wales (both constituency and regional elections), a person **must** satisfy the following criteria on the day they are nominated **and** on polling day. The criteria include that they:

- ◆ have attained the age of at least 18 years, **and**
- ◆ be a British citizen, a citizen of another Commonwealth country, a citizen of the Irish Republic, or a citizen of another member state of the European Union.

There are a number of disqualifications for membership of the National Assembly for Wales, some of which are similar to those which apply to membership of the UK Parliament or European Parliament. A person is disqualified from membership of the House of Commons under the *House of Commons Disqualification Act 1975* if they are a judge, a civil servant, a member of the armed forces, a member of a police force or a member of a foreign legislature. These disqualifications also apply to membership of the National Assembly for Wales.

The *National Assembly for Wales (Disqualification) Order 2006*⁴⁸ further identifies a number of specific office holders who are disqualified from membership of the National Assembly for Wales. These are listed in **Annex 2**. The Electoral Commission advises

⁴⁸ *National Assembly for Wales (Disqualification) Order 2006*. UK SI 06/3335, 2006.
<http://www.opsi.gov.uk/SI/si2006/20063335.htm>

candidates to consult the relevant legislation to ensure that none of the relevant disqualifications apply to them.

6.4.2 Nomination

In order to contest elections to the National Assembly for Wales 2007 potential candidates must complete a set of nomination papers and submit them to the appropriate Constituency or Regional Returning Officer by **12 noon on Wednesday 4 April 2007**.

The nomination paper for Constituency Candidates must contain the candidate's full name, full home address and relevant description. The details on the nomination paper will be reproduced on the statement of persons nominated and, ultimately, the ballot paper.

The prescribed nomination paper for each group of party list candidates, should be delivered by the party's registered nominating officer to the appropriate Regional Returning Officer. Each regional list submitted must set out the full names and home addresses of each candidate included in that list in the order in which they would be allocated a regional seat and be accompanied by a statement of the names by which each candidate is to be described in the regional ballot paper.

When submitting their nomination papers, candidates must deposit £500 in either cash or banker's draft (other forms of legal tender may be accepted). Only candidates who receive over five per cent of the total votes cast within their constituency have their deposit returned; others are forfeited.

6.5 Campaign Finance

Only certain people are authorised to incur election expenses. They are:

- ◆ the candidate
- ◆ the election agent
- ◆ any individual or organisation authorised in writing by the election agent.

6.5.1 Constituency and Individual List Candidates

Candidates contesting constituency seats at elections to the National Assembly for Wales are subject to limits on their spending on items and services used during the regulated period in advance of an election. This also applies to **individual** List Candidates (i.e. List Candidates who are not on the List of a registered political party).⁴⁹

The current limits for each type of seat, announced by the Secretary of State for Wales as applying to elections to the National Assembly for Wales on 3 May 2007, are:

Type of Seat	Limit
Borough (constituency)	£7,150 plus 5 pence per elector
County (constituency)	£7,150 plus 7 pence per elector
Individual in a Region	The sum of the maximum limit for each constituency in the region ⁵⁰

⁴⁹ Electoral Commission, Guidance for Candidates for Elections to the National Assembly for Wales, Factsheet 4, *Electoral Expenses*, 2007. http://www.electoralcommission.gov.uk/files/dms/CandA-GuidanceWales-Part-4_24249-17858_ENSW.pdf

⁵⁰ For example, if a region is made up of seven constituencies, five of which are county

The relevant register of electors is the register of electors in the constituency on the last day for publication of notice of the election. To avoid the possible miscalculation of expenditure limits, the Electoral Commission advises that candidates and agents should confirm the relevant register figure with the Returning Officer.

Candidates can also incur 'personal expenses'. Personal expenses do not count towards the maximum spending limits specified above. Personal expenses are any spending on a candidate's travel, accommodation and subsistence in relation to their election. A candidate may pay for any personal expenses incurred up to a specified limit, and a candidate's election agent must pay for any further personal expenses incurred. The limits are £600 for a Constituency Candidate and £900 for an Individual List Candidate.

The regulated period is the period between the date a person becomes a candidate and the date of the poll. A person contesting elections to the National Assembly for Wales becomes a candidate on the last date for publication of notice of election if their candidacy has been declared on, or before, that date (i.e. **Tuesday 27 March 2007**). The majority of candidates are selected some time in advance of the election and therefore become candidates for the purposes of their election spending on that date.

6.5.2 Party campaign spending and Party List candidates' election expenses

At elections to the National Assembly for Wales, while all spending to promote constituency candidates constitutes candidates' election spending and is regulated under the Order, it should be noted that expenditure to promote party list candidates constitutes party campaign spending and is regulated under *PPERA 2000*. All spending by party list candidates, therefore, must be reported as party campaign spending under the terms of *PPERA 2000*.

Party list candidates are not required to submit candidates' election expenses returns. However, party list candidates are subject to limits on their personal expenses and must complete and submit a return of personal expenses.

Parties fielding candidates on a regional list are required to appoint an election agent for each regional list submitted by the party.

Where money is spent on services/goods that promote both constituency and list candidates, the spending should be apportioned between party campaign spending and the relevant candidates' expenses.

Items to declare as candidates' spending include:

- ◆ hire of room from which to run a candidate's campaign;
- ◆ hire of car for use during a candidate's campaign;
- ◆ leaflets solely promoting a constituency candidate.

constituencies and two of which are borough constituencies. The limit for an Individual List Candidate is calculated as follows:

Constituency 1 (county): £7,150 + (50,208 t 0.07) = £10,664.56

Constituency 2 (county): £7,150 + (62,540 t 0.07) = £11,527.80

Constituency 3 (county): £7,150 + (60,523 t 0.07) = £11,386.61

Constituency 4 (county): £7,150 + (56,759 t 0.07) = £11,123.13

Constituency 5 (county): £7,150 + (49,565 t 0.07) = £10,619.55

Constituency 6 (borough): £7,150 + (57,252 t 0.05) = £10,012.60

Constituency 7 (borough): £7,150 + (58,749 t 0.05) = £10,087.45

The regional limit is the sum of the constituency limits = £75,421.70

Items to report as party spending include:

- ◆ national advertising campaigns;
- ◆ party political broadcasts;
- ◆ manifestos;
- ◆ unsolicited material outlining the party's national policies;

Items promoting a party in a certain region or candidates on a party's regional list are also party spending, including:

- ◆ advertisements promoting the party in a specific region;
- ◆ materials bearing the names of the candidates on a party's regional lists.

6.5.3 *The Phillips Review*

The question of the reform of political party financing across the UK is an ongoing issue. Sir Hayden Phillips was appointed, by the Prime Minister in March 2006 to review the funding of political parties. He published his report on the 15 March 2007. Key recommendations are that the parties should, in the words of the Constitutional Affairs Committee, agree voluntarily to binding limitations on donations:

- ◆ the two largest parties should reduce spending by about £20m each over the lifetime of a Parliament
- ◆ public funding should be increased to provide a degree of financial stability and encourage greater public engagement
- ◆ the Electoral Commission needs to be a swift and nimble-footed regulator.⁵¹

The Phillips Review was discussed recently by the National Assembly for Wales in a short debate in Plenary on 1 February 2007.⁵² Sue Essex, the Finance, Local Government and Public Services Minister noted:

the regulation of the funding of and expenditure on political campaigns is exclusively a matter for the Westminster Government. It is not a matter for which I or any other Assembly Government Minister has responsibility.⁵³

In terms of next steps, Sir Hayden recommends that the UK Government spearheads inter-party talks to work out a consensus on issues where disagreements persist.

⁵¹ Review of Party Funding, *Strengthening Democracy: Fair and Sustainable Funding of Political Parties*, Final Report, 15 March 2007. <http://www.partyfundingreview.gov.uk/index.htm>

⁵² Public Funding of Political Parties: A Good Idea? RoP p81-92, 1 February 2007

⁵³ RoP p89, 1 February 2007

7 Election Day

Polling day for the National Assembly for Wales Election is **Thursday 3 May 2007** and polling hours are between **7am and 10pm**.⁵⁴ Presiding Officers are appointed for each Polling Station by the relevant Returning Officer and they are in charge of proceeding therein.

7.1 The Poll

7.1.1 Who can attend the polling station?

At elections to the National Assembly for Wales, the following are entitled to enter the polling station:

- ◆ voters;
- ◆ persons under the age of 18 who accompany voters to the polling station;
- ◆ the candidates⁵⁵ and their election agents;
- ◆ the polling agents appointed to attend at the polling station;⁵⁶
- ◆ the clerks appointed to attend the polling station;
- ◆ representatives of the Electoral Commission;
- ◆ accredited electoral observers;
- ◆ police constables on duty and
- ◆ the companions of voters with disabilities.

All those who enter the polling station should be aware of the requirement to ensure the secrecy of the ballot.

It is duty of the Presiding Officer of the polling station to maintain order and they may instruct the removal of any person from the polling station. However, in exercising this duty, the Presiding Officer must not prevent a voter who is entitled to vote from casting their vote.

7.1.2 Tellers

The Electoral Commission has issued some Guidance relating to the conduct of Tellers outside polling stations.⁵⁷ Tellers are usually volunteers from political parties who stand outside polling places and record the electoral numbers of electors who have voted. They can then identify likely supporters who have not voted and urge them to vote before the close of poll. The Guidance notes that "Tellers play an important role in elections and may increase turnout."

However, Tellers must not impede or interfere with the efficient and secure administration of the election and must comply with any instructions issued by the Returning Officer or Presiding Officer of the polling station. They have no official legal status and may not be

⁵⁴ Electoral Commission, *Guidance for Candidates and Agents – National Assembly Elections 2007*, Chapter 6, "The Poll and After", <http://www.electoralcommission.org.uk/templates/search/document.cfm/17860>

⁵⁵ At a regional election, no more than one party list candidate shall be admitted at the same time to a polling station on behalf of the same group of party list candidates.

⁵⁶ No more than one polling agent shall be admitted at the same time to a polling station on behalf of the same individual candidate or, at a regional election, on behalf of the same group of party list candidates.

⁵⁷ Op.Cit., Electoral Commission, *Guidance to Candidates and Agents*, Chapter 6, 2006. Annex E. http://www.electoralcommission.org.uk/files/dms/CandA-Guidance-Wales-Appendix-E_24257-17958_E_N_S_W_.pdf

admitted to the polling station in their capacity as a Teller. Some other “Dos and Don’ts” are:

- ◆ If asked, Tellers should explain that they are political activists seeking to determine who has actually voted. No impression should be given that any information provided will be used for official purposes or that they are employed by the Returning Officer.
- ◆ Tellers should not display or distribute election material (e.g. billboards, posters, placards or pamphlets) on walls or around the polling place
- ◆ Tellers must not attempt to induce, influence or persuade an elector how or whether to vote. Tellers cannot promote particular candidates or political parties. Their conduct must not give rise to allegations of undue influence, e.g. discussing voting intentions, party affiliations, a candidate’s history, party campaigns, or undertaking any other activity particularly associated with one particular party or candidate. Any queries that relate to the electoral process must be directed to the Presiding Officer of the polling station.
- ◆ Voters must never be asked to re-enter the polling station to ascertain their electoral number or retrieve a poll card. Voters are not obliged to comply with any request for information. Tellers must not press voters if their initial request for information is declined.
- ◆ There should be no more than one teller at a polling station for each candidate or political party at any time. Where a polling place contains more than one polling station with separate entrances, it may be appropriate for there to be tellers at each entrance, but no more than one per candidate or party.

7.1.3 Exit Polls

In the case of National Assembly for Wales Election, it is illegal for any person to publish the following before the polls are closed (**10pm on Thursday 3 May**):

- ◆ any statement relating to the way in which voters have voted at the election where that statement is (or is assumed) to be based on information given by voters after they have voted;
- ◆ any forecast or estimate as to the result of the election which is (or might reasonably be taken to be) based on information so given.

Anyone found guilty of committing such an offence will be liable to a fine of up to £5,000 or to a prison term of up to six months.

7.1.4 Collection of postal ballots from the polling station

During polling hours, the Returning Officer may collect any postal ballot paper or postal voting statement that has been delivered to a polling station. In this case, the Presiding Officer must seal the postal ballots into a packet before collection.

7.2 The Count

7.2.1 Time and location of count



The counting of ballot papers for elections to the National Assembly for Wales is subject to the discretion of Returning Officers and **usually** takes place as soon as possible after the close of poll at **10pm on Thursday 3 May 2007** – unless a determination has been made by the Secretary of State for Wales specifying the timing of the count. The Returning Officer will write to all validly appointed candidates, election agents and counting agents with details of the exact time and location of the count, normally soon after the deadline for appointing counting agents, **Tuesday 1 May 2007**. Section 7.3. below explains some of the discussion that has taken place between key stakeholders about when the count will take place in May 2007.

7.2.2 Postal ballots

Postal vote covering envelopes are placed into one or more postal voters' ballot boxes by the Returning Officer as they are returned during the election period. While at least one postal voters' ballot box must remain sealed until the close of poll, the ballot boxes containing postal votes returned early are likely to be opened at official 'openings' before polling day. This is attributable to the high volume of postal votes being issued and returned in recent elections and the new need to check personal identifiers (i.e. signature and dates of birth).

The Returning Officer must give candidates and agents notice of the time and place for the opening of any postal voters' ballot box at least 48 hours in advance. Returning Officers will also specify the number of agents a candidate may appoint to attend each opening.

Other than the Returning Officer and their clerks, those entitled to attend the opening of postal voters' ballot boxes and witness proceedings are:

- ◆ the candidate;
- ◆ the election agent, or anyone authorised by the candidate to attend in place of their election agent;
- ◆ one or more agents appointed by the candidate or their agent to attend at the opening of postal voters' ballot boxes as authorised by the Constituency Returning Officer;
- ◆ the election agent of a registered party standing nominated or the nominating officer of that party or any person authorised by that officer to attend in their place;
- ◆ the Regional Returning Officer;
- ◆ representatives of the Electoral Commission;
- ◆ accredited electoral observers.

All postal votes not rejected by the Returning Officer during the opening process are taken to the count venue. They will be mixed with the contents of at least one other ballot box, following verification of the number of ballots inside, before being counted in the normal manner.

At least 20 percent of each box of returned postal votes must be set aside for personal identifier verification. The Returning Officer may decide to verify 100% of the returned postal votes. The signature and the date of birth must be compared with those held on the personal identifiers record. The Returning Officer must:

- ◆ correlate the ballot paper number shown on the postal voting statement with the ballot paper number on the corresponding numbers list so as to determine to whom the postal ballot paper was addressed;

- ◆ compare the signature on the postal voting statement with that on the personal identifiers record;
- ◆ compare the date of birth on the postal voting statement with that on the personal identifiers record.

7.2.3 Count procedure

The following people are entitled to attend the count:

- ◆ the Constituency Returning Officer and their staff;
- ◆ each candidate and one guest each;
- ◆ the election agents;
- ◆ the counting agents;
- ◆ in the case of a regional election, the Regional Returning Officer;
- ◆ representatives of the Electoral Commission;
- ◆ accredited electoral observers.

The Returning Officer may also permit other people to attend the count at their discretion, but is not obliged to do so. The decision of the Returning Officer as to who may attend the count is final.

A constituency candidate or their election agent may, if present when the counting or re-counting of votes is completed, require the Constituency Returning Officer to have the votes re-counted or again re-counted.

At a regional election, the following persons may, if present when the counting or re-counting of votes is completed, require the Regional Returning Officer to have the votes re-counted or again re-counted:

- ◆ an individual candidate or their election agent;
- ◆ a party list candidate or an election agent for a group of party list candidates;
- ◆ in the absence of a candidate or election agent, a counting agent for an individual candidate or group of party list candidates.

At both constituency and regional elections, there is no legal limit to the number of recounts that may be conducted, but the appropriate Returning Officer can refuse to conduct a recount if they believe the request is unreasonable.

No action should be taken by either Constituency or Regional Returning Officer following the count or any recount until all candidates or election agents have been given the opportunity to exercise their right to request a recount.

7.2.4 Decisions on ballot papers

The decision of the relevant Returning Officer at elections to the National Assembly for Wales on any question arising in respect of a ballot paper shall be final but may be subject to review on an election petition.

7.2.5 Declaration of the results

The constituency Assembly Members are elected by the 'first past the post'

system. The candidate who receives the most valid votes on the constituency ballot paper is elected. Once the count is completed, the Constituency Returning Officer will declare the constituency candidate with the most votes to be elected.

With regard to the poll for the return of regional Assembly Members, the Constituency Returning Officer shall, in accordance with any directions given by the Regional Returning Officer, draw up a statement showing the number of votes given for each registered party and each independent candidate and inform the Regional Returning Officer of the contents of that statement. The Constituency Returning Officer should then give public notice of the statement as soon as practicable after they have informed the Regional Returning Officer.

The regional results can only be calculated once all the results in both parts of the election are known. That is, all the constituency results have been declared in a region and all regional votes have been counted and declared in each constituency.

7.3 *Timing of the count in May 2007*

The introduction of personal identifiers and the requirement for Returning Officers to check at least 20 percent of postal votes against them has led to some speculation that the count would be held over until the following day, in order for this to be done, especially as the Association of Electoral Administrators were expressing a preference for 100 percent checks. This was opposed by the parties and the broadcasters. This was summed up by the responsible Minister, Sue Essex AM in a response to an oral question from Jonathan Morgan AM in the Chamber:

Jonathan Morgan: One change to the electoral process currently being recommended-or certainly mooted-is the possibility that the Assembly election votes on 3 May will not be counted after the polls close, but on the Friday. Scotland has two sets of elections on the same day-the local and parliamentary elections-both of which will be counted on the Thursday night, once the polls close. Do you share my concern about this possibility and do you agree with many in the Chamber who feel that, in the interests of democracy, the people of Wales have a right to know who their Assembly Members will be as quickly as possible after the polls close.

Sue Essex: Not only do I share your concerns, but I made that point very forcibly at the recent election planning group meeting and the representatives of the political parties present felt the same, as did the Presiding Officer's representative and the chair of the committee. For those of us at the coalface of the election, it will be distressing to have to wait. I am not standing this time, but we all know what it is like; once you have been through such a gruelling day, you want to know that result as soon as possible.

The sticking point is the verification of the postal votes. There were a couple of officials in that meeting, who I respect because they are experienced electoral administrators, and there is nervousness about the machinery that will undertake the verification of the postal votes. However, I feel that despite that nervousness, the presumption that we would have the count on the night proves to be the most important because all of us who have gone through elections for many years know that the count is a relatively speedy process. There may be recounts and some times elections have to be stopped at 3 or 4 a.m., but the presumption would be that, after the verification- agreeing the final number of votes is the lengthy part of the process-the count, particularly in an Assembly election, will be relatively quick. I could not foresee a situation whereby anyone would see those ballot boxes open, with all the votes falling out, would see where the crosses were and make a pretty informed guess, and then the votes would all be put back in the boxes and nothing would be accounted for on the following morning. Therefore, we have left it with the returning



Annex 1: Recommendations in the Local Government and Public Services Committee Report on Electoral Arrangements in Wales, December 2006.

1. We recommend that the Elections Planning Group co-ordinates all Wales voter registration and explores the scope for cost rationalisation and staff capacity.
2. We recommend that the Welsh Assembly Government and the Welsh Local Government Association explore how joined up delivery of public services, in the light of the Beecham Report and the Local Government Regionalisation agenda, can contribute to tackling cost and capacity issues for Electoral Registration Officers.
3. We recommend that the Elections Planning Group considers the long term implications for capacity to deliver individual registration as highlighted by evidence from the Association of Electoral Administrators (AEA).
4. We recommend that the Elections Planning Group works with the AEA and Electoral Commission to co-ordinate promotional work on a national and/or regional basis for voter registration.
5. We recommend that the Elections Planning Group investigates the experiences of initiatives such as the Right to Vote project and assesses the feasibility of rolling out a programme to targeted groups across Wales.
6. We recommend that the Assembly makes full use of the powers provided for in Schedule 11 of the Government of Wales Act 2006 to promote registration for the Assembly elections in 2007 – in particular the fact that it is possible to register up to 11 days before polling day.
7. We recommend that the Assembly Commission to be set up after the Assembly election in 2007 makes full use of its powers under paragraphs 5 and 6 of Schedule 2 of the Government of Wales Act 2006 to promote registration for Assembly elections in the future.
8. We recommend that the Elections Planning Group takes steps to monitor public attitudes to the security of the postal voting system in Wales.
9. We recommend that the Elections Planning Group takes a lead in setting standards for postal voting packs that are simple and straightforward to use and use language that is accessible to the majority of people.
10. We recommend that the Elections Planning Group considers guidelines for advising people about changing their method of voting to ensure that they are simple and straightforward and there is adequate publicity.
11. We recommend that the Welsh Assembly Government and the Welsh Local Government Association encourage Welsh local authorities to apply to the UK Government to pilot methods of electronic voting.
12. We recommend that the Elections Planning Group takes steps to ensure that guidelines on access to polling stations are consistent and obligations under the Disability Discrimination Act 1995 are made explicit in all guidance.
13. We recommend that any guidance for polling station staff should take account of the needs of voters with learning disabilities.
14. We recommend that the Elections Planning Group commissions an assessment of training needs for polling station staff across Wales on issues regarding access and identifies appropriate organisations and mechanisms for delivering training.
15. We recommend that targets are set for local authorities for the percentage of polling stations that are fully accessible to all abilities.
16. We recommend that the Elections Planning Group considers what mechanism could be created to ensure that any problems identified in polling station manager's reports are acted on and addressed as a matter of priority.
17. We recommend that the Welsh Assembly Government and the Welsh Local Government Association encourage Welsh local authorities to apply to the UK



- Government in order to participate in any pilot schemes involving the use of alternative venues for voting.
18. We recommend that the Elections Planning Group explores the scope for cost rationalisation and joined-up delivery of electoral services in Wales that will allow electoral administrators and returning officers to carry out their duties and responsibilities, including those introduced by the Electoral Administration Act 2006, effectively.
 19. We recommend that the Elections Planning Group considers regional and nation-wide approaches to the promotion of voting by young people.
 20. We recommend that the Elections Planning Group considers rolling out targeted initiatives to encourage socially and economically excluded groups of young people to vote.
 21. We recommend that the ongoing review of the curriculum, including the public consultation exercise, should pay particular attention to the need to develop political understanding amongst young people and to teach them about the roles, policies and positioning of political parties as well as political processes.
 22. We recommend that guidance to schools on the teaching of 'political literacy' should specifically include teaching about political parties and young people's role in the democratic process as well as basic political concepts.
 23. We recommend that the Welsh Assembly Government reviews guidance to senior school management and governors to ensure that the importance of promoting political literacy in the life of the school in a balanced and non-partisan manner is recognised and to encourage inviting voluntary, private and public service organisations, including political parties, into schools to facilitate debate amongst pupils.
 24. We recommend that the Welsh Assembly Government takes a coordinated approach to the guidance it gives schools on the operation of school councils and on citizenship activities, to ensure that these are properly contributing to pupils' political understanding and appropriate links are being made between school council activities and other citizenship initiatives, such as inviting politicians into schools.
 25. We recommend that the Welsh Assembly Government reviews its internal structures to ensure that a strategic co-ordinated approach is taken to the delivery of citizenship education, from curriculum development to teacher training and classroom activities.
 26. We recommend that guidance and training should focus on ensuring that all pupils, regardless of their background, are encouraged equally to participate in school councils and other citizenship initiatives and that Estyn should monitor representation and participation from an equality perspective.
 27. We recommend that measures are put in place to ensure that all secondary schools deliver Personal and Social Education (PSE) using specially trained and resourced teachers.
 28. We recommend that the Welsh Assembly Government takes the lead in facilitating training of teachers in PSE, providing resource packs for such training and supporting teachers in the delivery of PSE.
 29. We recommend that the Welsh Assembly Government ensures that existing examples of good practice in citizenship and political education are adequately disseminated to all schools and youth groups in Wales.
 30. We recommend that the Assembly Commission and local authorities develop initiatives that provide young people from different backgrounds with opportunities to shadow elected politicians from the Assembly and Local Government, and to participate in debates with politicians. Such initiatives should take account of existing good practice in Wales and elsewhere.
 31. We recommend that it should be a requirement to provide bilingual support and advice to people through both the registration and voting process in all electoral areas of Wales. Where it is not possible to have bilingual staff present, people should be able



to access personal advice in the language of their choice, for example via a freephone number.

32. We recommend that targeted support and advice in languages other than Welsh and English, through both the registration and voting process, should be provided in electoral areas in Wales according to need.
33. We recommend that continued efforts are made to improve the accessibility of all electoral material in Wales and to take full account of the needs of people with learning disabilities, limited literacy and those whose first language is not English or Welsh.



Annex 2: Key Dates for the Election⁶⁰

Event	Date
Publication of notices of election (Constituency and Regional)	Not later than 27 March
First day for the delivery of nomination papers on any day after the date of publication of the notices of election	Between 10am and 4pm on 28 March
Last day for the delivery of nomination papers	Between 10am and noon on 4 April
Making of objections to nomination papers	Between 10am and 1pm on 4 April
Last day for withdrawal of nominations	By noon on 10 April
Last day for the appointment of election agents and publication of notice of election agents	By noon on 10 April
Publish statements as to persons and parties nominated/notice of poll/situation of polling stations (Constituency and Regional)	By noon on 11 April
Deadline to submit a registration application form to be included on the register of electors for these elections	By 18 April
Last day for requests to change or cancel an existing postal/proxy appointment or apply for a new application to vote by post	Not later than 5pm on 18 April
First date on which postal votes can be despatched	Not earlier than 5pm on 18 April
Last day for new applications to vote by proxy (except for medical emergencies)	By 25 April
Last day to make alterations to the register of electors except where they are to correct a clerical error or to implement a court (registration appeal) decision	By 26 April
First day to issue postal ballot papers in response to requests to replace lost ballot papers	By 27 April
Deadline for the appointment of polling/counting and deputy election agents	By 1 May
Polling Day	Between 7am and 10pm on 3 May
Last day to make alterations to the register of electors to correct a clerical error or to implement a court (registration appeal) decision	By 9pm on 3 May
Last day to apply for an emergency proxy vote on medical grounds	By 5pm on 3 May
Last day to request the replacement of lost/spoilt postal ballot papers	Not later than 5pm on 3 May
Verification and counting of ballot paper accounts	As soon as practicable after 10pm on 3 May
Last day for the receipt of return and declaration of election expenses (assuming results declared after midnight)	By 8 June
Publication of time and place of inspection of returns and declarations (assuming results declared after midnight)	By 18 June

⁶⁰ http://www.electoralcommission.gov.uk/files/dms/Timetable-English_23796-17646_E_N_S_W_.doc

Members' Research Service: Research Paper
Gwasanaeth Ymchwil yr Aelodau: Papur Ymchwil



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Annex 3: Offices disqualifying holders from membership of the National Assembly

Bodies of which all members are disqualified

A National Park authority for a National Park in Wales;
A panel, established under Schedule 10 to the Rent Act 1977, of persons to act as chairmen and other members of rent assessment committees for an area or areas every part of which is in Wales;
A tribunal constituted under Schedule 2 to the Schools Inspection Act 1996;
An urban development corporation for an urban development area wholly in Wales;
Adjudication Panel for Wales;
Arts Council of Wales;
British Broadcasting Corporation Trust;
British Transport Police Authority;
Care Council for Wales;
Central Arbitration Committee;
Channel Four Television Corporation;
Commission for Equality and Human Rights;
Commission for Healthcare Audit and Inspection;
Competition Appeal Tribunal;
Competition Commission;
Competition Service;
Council for the Regulation of Health Care Professionals;
Council of the Advisory, Conciliation and Arbitration Service;
Council of the National Library of Wales;
Council of the National Museum of Wales;
Countryside Council for Wales;
Determinations Panel established by the Pensions Regulator under section 9 of the Pensions Act 2004;
Disability Rights Commission;
Environment Agency;
Food Standards Agency;
Food Standards Agency Advisory Committee for Wales;
Gas and Electricity Markets Authority;
General Teaching Council for Wales;
Health Protection Agency;
Independent Police Complaints Commission;
Joint Nature Conservation Committee;
Lands Tribunal;
Library Advisory Council for Wales (known as the Library and Information Services Council (Wales));
Local Government Boundary Commission for Wales;
Mental Health Review Tribunal for Wales;
Office of Communications;
Office of Fair Trading;
Pensions Compensation Board;
Pensions Regulator;
Postal Services Commission;
Royal Commission on the Ancient and Historical Monuments of Wales;
Sianel Pedwar Cymru;
Spongiform Encephalopathy Advisory Committee;
Sports Council for Wales;
Strategic Rail Authority;
Wales Centre for Health;
Welsh Industrial Development Advisory Board;
Welsh Language Board.

Other disqualifying offices

A statutory auditor of a local government body in Wales appointed by the Auditor General for Wales under section 13 of the Public Audit (Wales) Act 2004;
Ambassador or Permanent Representative to an international organization representing Her Majesty's Government in the United Kingdom;
Any member of a panel of persons appointed under section 6 of the Social Security Act 1998;
Any member of a panel of persons who may be appointed to serve on a tribunal established by section 9 of the Protection of Children Act 1999;
Any director of Finance Wales Public Limited Company;
Any member of the Commission for Racial Equality and any Additional Commissioner
Any member of the Electoral Commission, Assistant and deputy electoral commissioners and any member of staff;
Any member of the Equal Opportunities Commission and any Additional Commissioner;
Any member, not being also an employee, of the Higher Education Funding Council for Wales;
Auditor General for Wales and members of the staff of the Wales Audit Office;
Certification officer and any assistant certification officer;
Chairman and deputy chairman of the Civil Service Appeal Board;
Chairman and vice chairman of the Sustainable Development Commission;
Chairman and any other member of the Rail Passengers' Council in receipt of remuneration;
Chairman and any member, not being also an employee, of a Local Health Board for an area in Wales;
Chairman and any member, not being also an employee, of a Special Health Authority performing functions partly or wholly in respect of Wales;
Chairman and Director General of the British Council;
Chairman and non-executive director of a National Health Service trust all or some of whose hospitals, establishments or other facilities are situated in Wales;
Chairman of the Beef Assurance Scheme Panel;
Chairman of the Big Lottery Fund and, if in receipt of remuneration, any other member of that Fund;
Children's Commissioner for Wales, Deputy Children's Commissioner and all members of staff;
Civil Service Commissioner;
Commissioner for Older People in Wales, Deputy Commissioner and all members of staff;
Commissioner for Public Appointments;
Commissioner and assistant Commissioner of the Boundary Commission for Wales;
Commons Commissioner;
Comptroller and Auditor General;
Director of the Post Office company (within the meaning of Part IV of the Postal Services Act 2000) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown;
Forestry Commissioners and any member of staff;
Governor or Administrator of an overseas territory within the meaning of section 50(1) of the British Nationality Act 1981 as amended by the British Overseas Territories Act 2002, section 1(1);
Her Majesty's Chief Inspector of Education and Training in Wales;



High Commissioner representing Her Majesty's Government in the United Kingdom;
Independent Groundwater Complaints Administrator;
Parliamentary Commissioner for Administration;
Pension Protection Fund Ombudsman and any deputy to that Ombudsman appointed under section 210 of the Pensions Act 2004;
Pensions Ombudsman and any deputy to that Ombudsman appointed under section 145A of the Pensions Schemes Act 1993;
Person holding a politically restricted post, within the meaning of Part I of the Local Government and Housing Act 1989, under—(a) a local authority in Wales, within the meaning of that Part; (b) a National Park authority for a National Park in Wales;
President of appeals tribunals (within the meaning of Chapter I of Part I of the Social Security Act 1998) appointed under section 5 of that Act;
President of the Special Educational Needs Tribunal for Wales, or member of a panel of persons appointed to act as chairman or other member of that Tribunal;
President of the tribunal constituted under section 9 of the Protection of Children Act 1999;
Rent officer appointed in pursuance of a scheme under section 63 of the Rent Act 1977;
Returning officer for a constituency or an electoral region of the National Assembly for Wales;
Social Fund Commissioner.