



ORAL EVIDENCE SESSION

DATE: Friday, 12 April 2013

LOCATION: Commission Office, Cardiff

COMMISSIONERS PRESENT:

Paul Silk (Chair)

Nick Bourne

Jane Davidson

Eurfyl ap Gwilym

Trefor Jones

Noel Lloyd

Helen Molyneux

THE FOLLOWING GAVE EVIDENCE:

Kay Jenkins, Head of Wales and English Regional Offices, Electoral Commission

This note, prepared by the Secretariat and agreed with [the witness Kay Jenkins](#), captures the key points of the discussion.

1. Kay Jenkins introduced the Electoral Commission's responsibilities and role in Wales since its establishment in 2000. ~~I,~~ these were: to set the performance standards for [parliamentary, Assembly and](#) local authority elections, election officers and electoral registration; to register and regulate political parties in election campaigns; and to review and report on each election. She also highlighted the Electoral Commission's role in the forthcoming Scottish Referendum in 2014 following an agreement between the Scottish Government and the UK Government. The ~~Commissiony~~ sought to represent voters' interests and to make voting and standing for election as straightforward as possible. They reported to Parliament through a Speaker's Committee, with no reporting arrangement with the National Assembly, given it has no legislative competence [for elections](#).
2. On the responsibility for the NAFW elections, Kay Jenkins stated that, in general, the Electoral Commission had no view on whether it should be devolved. She, however, accepted that there were no obvious reasons for it not to be, given the increasing performance and professionalism of the National Assembly for Wales. She highlighted that the Welsh Government's white paper on promoting local democracy also stated that there was no



reason why the National Assembly for Wales should not be responsible for its own election process. Indeed, it was already responsible for funding and Welsh Government officials prepared the Conduct Order laid by the Secretary of State.

3. Kay Jenkins considered whether responsibility for the electoral franchise in Wales should also be devolved. She noted that it was a question of policy and that any decision would have to be thought through and allow for a suitable amount of time to ensure that the changes could be implemented. She commented that the voting system across the UK should be simple and straightforward, requiring the voter to only have to register once and [she](#) was, therefore, concerned that any change to the system could lead to more complexity and the introduction of unnecessary barriers. She added that the Electoral Commission were in favour of a consolidated approach to elections, and awaited the Law Commission of England and Wales's report on consolidating UK election law, due in 2017.
4. The Commission considered a number of interventions that remain with the UK Government on the timing and conduct of NAFW elections. Kay Jenkins commented that the Electoral Commission had no view as to who made the decision on the timing of a NAFW election as long as it was practical for the voter, and encouraged the timing of elections to be considered in the round to avoid combined elections where possible. She noted that the National Assembly for Wales had already successfully dealt with an issue of conduct during the NAFW elections in 2011. [Asked about the UK Government's evidence that "Section 13 of GoWA provides for the Secretary of State to question the conduct of elections for the return of Assembly members and elections in the event of any irregularities", Kay Jenkins said that she had been surprised to read this.](#) She also added that if the UK Government were to question the legitimacy of a NAFW election then the investigation would be conducted by Welsh Government officials.
5. Finally, on whether the understanding of the different election voting systems affects voter turnout, Kay Jenkins noted that any lack of awareness by the public towards an election is usually the result of political apathy or the timing of the election, and not due to the voting system. She added that with any election in Wales, local communities receive leaflets to distribute to the public explaining how to vote, and that public awareness was growing.
6. [Kay Jenkins said that she would consider whether to follow up her oral evidence with a written Memorandum, and the Commission said that they would welcome this.](#)

