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Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

Mick Antoniw AM
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Your ref:
Our ref: EJ/TJ

12 February 2019

Dear Mick

Senedd and Elections (Wales) Bill

As you will be aware, earlier today I introduced the Senedd and Elections (Wales) Bill at the Assembly.

At annex 1 to this correspondence is my statement of policy intent and at annex 2 is correspondence recently received from the Secretary of State, and my response to such. I anticipate these may be of interest to your committee in its scrutiny of the general principles of the Bill.

Finally, I believe it may be helpful to provide some additional context for your committee in its consideration of section 27 of the Bill: 'Duty to consider reform of oversight of the work of the Electoral Commission.'

The view of the Electoral Commission is that it should be financed by and be accountable to the Assembly for its work in relation to devolved elections, rather than the UK Parliament.

The Assembly Commission considers that as the Assembly takes responsibility for devolved elections, the Assembly should also consider changing the financial and oversight arrangements for devolved elections. The legislative competence for this was devolved in Wales Act 2017, which took effect in April 2018.

However, a number of key issues require further consideration, including:

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- the cost to the Electoral Commission of regulating Welsh devolved elections and referendums;
- the funding of such costs by the Assembly;
- how the funds required to cover such costs would be transferred from Westminster to the Assembly;
- the arrangements by which the Assembly would hold the Electoral Commission to account for its work on devolved Welsh elections; and
- how such scrutiny arrangements would work alongside scrutiny of the Electoral Commission by the UK Parliament.

The Bill therefore places a duty on the Senedd to consider whether the Electoral Commission should be financed by the Assembly for its work in relation to devolved Welsh elections, and become accountable to the Assembly for such work.

This provision is intended primarily to signal a policy intention (during Stage 1 of the Bill) to address the financing and accountability of the Electoral Commission through amendments to the Bill.

If the Assembly recommends support for such a move, I anticipate that amendments would be introduced at Stage 2 to establish arrangements for the Electoral Commission to be financed by, and to be accountable to, the Assembly.

In taking this approach, I have considered possible concerns that Members may have limited opportunity to scrutinise such arrangements. However, I believe that this approach (of using this Bill as a legislative vehicle to introduce such provision) would be a more appropriate use of the Assembly's time than the alternative approach of including it in a standalone Bill.

I look forward to further engagement with the Committee during the course of Stage 1.

Yours sincerely

Elin Jones AM
Llywydd