

Response to the Welsh Government's 'Creating a Parliament for Wales' consultation

How many Assembly members does the assembly need?

Q1. The Expert Panel has concluded that the Assembly needs to have between 80 and 90 Members to carry out its role effectively. Do you agree? Please give reasons for your answer.

We believe that the current numbers of Assembly Members are not sufficient given the new powers and responsibilities of the Senedd. In our 2014 report, *Size Matters*¹, we recommended that the size of the Assembly be increased to around 100 Members. We fully support the Expert Panel's call for a larger Assembly.

1. Electoral Reform Society Cymru, *Size Matters: Making the National Assembly more effective*, 2014

Q2. Would the changes to the number of Assembly Members result in i) costs, or ii) benefits for your organisation? If so what would the costs or benefits be?

Not applicable.

How should Assembly Members be elected?

Q3. The Expert Panel has outlined three possible electoral systems which could operate effectively in Wales to elect an Assembly of at least 80 Members. Which of these systems would be most appropriate for electing Assembly Members and why?

Single Transferrable Vote.

Over the course of five elections now in Wales, AMS has demonstrated itself as a superior voting system to Westminster's FPTP system, delivering results which have allowed for the inclusion of a far wider range of voices in policymaking and governance in Wales.

However, the Society is a longstanding supporter of STV as the best electoral system. It is the system which represents the best of all worlds – being candidate-centred, constituency-based and proportional.

The problems of safe seats found under FPTP are also a symptom of AMS, and the bulk of votes for constituency AMs wasted (either because they are cast for candidates who aren't elected or for candidates who are elected with more votes than are needed for a plurality).

The 'top-up' list element of AMS is also problematic. Voters who particularly dislike a candidate at the top of their preferred party's list, or like a candidate from a party they otherwise do not support, are unable to express this at the polling station. Power over AMs is once again concentrated amongst the party, who choose the order of party lists.

Adopting STV would give voters more choice over their individual representatives while maintaining proportionality, a constituency link and

avoiding the problems of dual candidacy which have sometimes been an issue in Welsh politics.

Q4: Do you agree with the Expert Panel's recommendation that a change to the electoral system should be used to encourage the election of an Assembly that more accurately reflects the diverse nature of society in Wales?

Yes.

Q5: If you answered yes to question 4, do you believe that this should be achieved through legislation such as formal gender quotas, or by less formal means such as voluntary measures put in place by political parties? Please give reasons for your answer.

It is well evidenced that electoral systems in themselves can help ensure better diversity. The Canadian Parliament has provided a useful overview of electoral systems and gender, showing how better representation is linked to PR or mixed systems (9 of the 10 parliaments with best gender parity use mixed or PR systems)².

Beyond electoral systems there are a number of tools that can be used to increase diversity. While formal quotas can play a part, other measures that should also be explored. There has been a lot of success in the history of the Assembly in increasing diversity through all women shortlists and zipping of party lists.

Measures to address the barriers to women not standing should also be implemented in.

Q6: Should people be able to stand for election to the Assembly on the basis of job sharing?

Yes.

Q7: What, if any, benefits or risks do you see resulting from allowing people to stand for election on the basis of job sharing arrangements?

The idea of job sharing has real potential for making the Assembly accessible to a more diverse range of members. There are risks associated with its implementation, however we believe it would be possible to manage these. For example, we would suggest a clear and formal arrangement for each party involved in the job sharing role on key issues, areas of work, working hours and encourage regular communication between the two individuals, as well as the support of their party and the Assembly Commission. Furthermore, the electorate should be aware of the arrangement at the time of election, with both candidate's names on the ballot paper and the principle of job sharing clear to them. If one of the representatives stands down the other should too.

Q8: If the Assembly adopted either the Single Transferable Vote or Flexible List Proportional Representation for the election of Assembly Members, Assembly Members should be elected on the basis of what?

20 constituencies based on paring the existing 40 Assembly constituencies.

2. Erin Virgint, *Electoral Systems and Women's Representation*, July 2016 http://publications.gc.ca/site/archived-archived.html?url=http://publications.gc.ca/collections/collection_2016/bdp-lop/bp/YM32-2-2016-30-eng.pdf

Q9: Would changes to the Assembly's electoral system result in i) costs or ii) benefits for your or your organisation? If so, what would the costs or benefits be?

Not applicable.

Who should be allowed to vote in Assembly elections?

**Q10: To what extent do you agree with the following statement:
- The same people should be allowed to vote in the National Assembly for Wales elections and the local government elections in Wales.**

Strongly agree.

Q11: What implications would there be if there were differences between who could vote in Assembly elections and who could vote in local government elections in Wales?

Elections should be as consistent as possible to avoid any confusion to the electorate. For local government elections and Assembly elections, both of which will be devolved under the Wales Act very shortly, a difference in voting age or restrictions on non-UK nationals for one election but not the other could have real ramifications. This is in terms of people turning up to polling stations who are not able to vote in one election. It could also lead to confusion from people who are able to vote thinking they're not. While there will be inevitable differences between those elections not devolved to Wales and those that are, those within the Assembly's remit should be run with the same electorate. This could also have an implication for electoral registers, especially given the Welsh Government's current intention to explore an All-Wales electronic register for local elections. With a consistent electorate for both local and Assembly elections one register would be viable while a different set of electors could create complications for the register.

What should be the minimum voting age for Assembly elections?

Q12: What should be the minimum voting age for Assembly elections?

16.

Q13: Would reducing the minimum voting age for Assembly elections result in i) costs or ii) benefits for you or your organisation? If so, what would the costs or benefits be?

Not applicable.

Q14: Are there any other issues, benefits or risks you would like us to consider in relation to changing the minimum voting age for Assembly elections? Please give reasons for your answer.

Improved political education for young people should go hand in hand with the extension of the voting age. It is vitally important that young people are

aware of these changes and are properly informed about the implications of being able to vote in Welsh elections.

Should residents in Wales who are not UK nationals be allowed to vote in Assembly elections?

Q15: To what extent do you agree or disagree or disagree with the following statement:

- All legal residents in Wales should be allowed to vote in Assembly elections, irrespective of their nationality or citizenship.

Neither agree nor disagree,

Q16: Are there any other issues, risks or benefits you would like us to consider in relation to changing the rights of non-UK nationals legally resident in Wales to vote in Assembly elections? Please give reasons for your answer.

Not applicable.

Should prisoners be allowed to vote in Assembly elections?

Q17: To what extent do you agree or disagree or disagree with the following statements:

- Prisoners released on temporary licence or on home detention curfew should be allowed to vote in Assembly elections, in line with the UK Government's intention for UK elections.

- Prisoners whose due release date falls before the end of the term of the Assembly for which they are voting should be allowed to vote in Assembly elections, in line with the Welsh Government's intention for local government elections in Wales.

Neither agree or disagree.

Q18: Are there any other issues, risks or benefits you would like us to consider in relation to changing the rights of prisoners to vote in Assembly elections? Please give reasons for your answer.

Given the lack of female prisons in Wales this has the potential to enfranchise male prisoners but not female prisoners. This gender disparity should be considered if plans to extend the right to vote to some prisoners go ahead.

All further questions in this consultation were not applicable to our work.