02/10/2017

Dear Local Government Democracy Division,

**Electoral Reform in Local Government in Wales**

Thank you very much for the opportunity to respond to this consultation on electoral reform in Local Government in Wales.

1. **Background**

1.1 The principal aim of the Welsh Language Commissioner is to promote and facilitate the use of the Welsh language. This is done by raising awareness of the official status of the Welsh language in Wales and by imposing standards on organisations. This, in turn, will lead to the establishment of rights for Welsh speakers.

1.2 Two principles underpin the Commissioner’s work:

- The Welsh language should be treated no less favourably in Wales than the English language;
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.
1.3 The following representations are made in accordance with the role of the Commissioner under Section 4 of the Welsh Language (Wales) Measure 2011 to give advice and make representations to any person. Firstly I will provide a context for my responses to the consultation before responding to the consultation document section by section.

2. Background
1.4 The situation of the Welsh language in electoral administration is a cause of great concern to me and on more than one occasion I have received correspondence from members of the public expressing discontent regarding the treatment of the Welsh language in electoral arrangements in their areas. As a result, in February 2017 I published a report on the implementation of the National Assembly for Wales and Police and Crime Commissioner Elections\(^1\) held in 2016. The report was a follow-up to a report published examining the 2015 General Election\(^2\).

1.5 The purpose of the reports was to consider the extent to which the official status of the Welsh language was respected in the implementation of these elections. In order to do this the availability and quality of Welsh language electoral information, forms and services online was considered. A number of these matters are activities carried out by Electoral Registration Officers and/or Returning Officers. They are not subject to statutory linguistic duties. The latest report states 'Once again it cannot be said that the experience of Welsh speakers is equal to that of non-Welsh speakers, as individuals who wish to receive information and forms in Welsh often have to go one step further and make an extra effort than they would need to if they were accessing information in English.'

1.6 The aim in publishing the reports was to assist organisations connected to the organisation and administration of elections in Wales to understand the reality of Welsh speakers' experience when seeking to engage with the electoral process. Based on the findings, recommendations are made for Electoral Registration Officers, Returning Officers and the Electoral Commission in relation to the guidance provided to Electoral Registration Officers and/or Returning Officers. I strongly suggest that you consider these reports and recommendations as part of your work in reforming elections in Local Government in Wales. The reports are available here on the Commissioner’s website.

1.7 I understand that electoral reform in Local Government is the extent of this consultation. However, as you review electoral arrangements in accordance with the provisions of the Wales Act 2017, I believe there is a golden opportunity for you to ensure that procedures are put in place to ensure that the Welsh language, as an official language in Wales, is treated no less favourably than the English language when administering elections in Wales.

3. Electoral Reform in Local Government in Wales – response to the consultation

Section 2 – Building the franchise

\(^1\)http://www.comisiynyddgymraeg.cymru/English/Publications%20List/Adroddiad%20Etholiad%20Saesneg.pdf
3.1 I do not have any representations in relation to this section.

**Section 3 – Improving registration**

3.2 The report published in 2016 considered information on registering to vote and the ‘register to vote’ form and mixed results were seen in different areas. The following recommendation was made based on the report: ‘When providing information on their website on how to register to vote, or how to apply for a postal vote and/or vote by proxy, Electoral Registration Officers and / or Returning Officers should ensure that all of the information is available in Welsh and is equal in terms of content, standard and accessibility to the corresponding English information.’ This principle is very relevant to the proposals made to improve registration arrangements in the consultation paper.

3.3 Specifically in relation to proposed electronic developments including developing an electronic register to enable remote voting, it should be ensured that the software would be able treat the Welsh and English languages equally and that there would be an active offer for the voter to choose to vote in his or her chosen language. It should also be remembered that there are specific requirements regarding the Welsh language in software including accents and alphabetical order and these should be considered when creating or using all types of software. I strongly recommend that you use the guidance found in the document *Technology, Websites and Software: Welsh Language Considerations* if you intend to develop registration and voting software.

**Section 4 - The voting system**

3.4 I do not have any representations in relation to the proposals in this section.

**Section 5 - The voting process**

3.5 I do not have any specific representations regarding the suitability of introducing alternative methods of voting, but I would welcome, of course, situations that would ensure that as many people as possible vote in a fair and legal way.

3.6 You discuss proposals regarding different methods of voting including by post; electronically; remotely; in mobile polling stations and in places other than polling places. There is a need to ensure that the voting methods available to voters are available in Welsh and in English to the same extent and to the same standard. As noted above this is equally important in the context of electronic online voting.

3.7 You note in section 5.48 that you are considering simplifying the reading material and arrangements for postal voting. If there are plans to consider the suitability of materials regarding voting, the suitability of corresponding Welsh and English materials should be considered at the same time.

**Section 6 – Standing for election**

3.8 I do not have any representations in relation to the specific proposals in this section. I would like to draw your attention to the recommendations of the report on the 2016
National Assembly for Wales and Police and Crime Commissioner Elections in relation to information on candidates: ‘When publishing election notices and information on candidates (including statements of persons nominated) on the local authority’s website, Electoral Registration Officers and / or Returning Officers should ensure that the information is available on the Welsh pages of the website, and is as accessible as the information which appears on the corresponding English pages’. Recommendations are also proposed for the Electoral Commission in relation to this: ‘When providing guidance to Electoral Registration Officers and / or Returning Officers, the Electoral Commission should emphasise the need to ensure that information such as election notices and statements of persons nominated provided in Welsh on local authority websites is as accessible as it is in English’. I trust that you will consider these representations in relation to your proposals for the activities of Electoral Registration Officers in local government elections.

Section 7 - Returning Officers

3.9 You ask whether the statutory chief executive role should include the role of returning officer. Local authorities are now responsible for implementing standards relating to delivering services to the public in Welsh in accordance with the requirements of the Welsh Language (Wales) Measure 2011. If the responsibility of returning officer is transferred to the statutory chief executive my assumption is that these electoral activities would fall under the scope of the relevant standards. If this is the case I would welcome this intention for the statutory chief executive role to include the role of returning officer. Specific recommendations were made for returning officers in the reports published on the 2016 National Assembly for Wales and Police and Crime Commissioner Elections and the 2015 General Election. In the latest report specific recommendations were made regarding the declaration of election results and what can be done if a Returning Officer is unable to speak Welsh to a level which allows him or her to operate in Welsh to the same standard as in English. Recommendations were also made for the Electoral Commission regarding emphasising the need to ensure that the Welsh language should be treated no less favourably than the English language.

3.10 At present neither Electoral Registration Officers nor Returning Officers are accountable to local authorities or subject to any statutory linguistic duties. Their treatment of the Welsh language when implementing their duties is mixed because of this and generally the experience of Welsh speakers is not equal to that of non-Welsh speakers. As you consider electoral reforms arising from the provisions of the Wales Act 2017 I ask you to consider whether there is an opportunity to rectify this in order to ensure that Welsh speakers have the same opportunity to exercise their democratic right to vote in Welsh as people who cannot speak the language.

Yours sincerely,
Meri Huws
Welsh Language Commissioner