EXPLANATORY MEMORANDUM TO

The Local Elections (Principal Areas) (Welsh Forms) (Amendment) Order 2014

The Local Elections (Communities) (Welsh Forms) (Amendment) Order 2014

2014 No. 918
2014 No. 919

1. This explanatory memorandum has been prepared by the Cabinet Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instruments

2.1 These two instruments make updates to the Welsh versions of certain prescribed forms and forms of words to be used at local government and community council elections in Wales.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Local Elections (Principal Areas) (Welsh Forms) (Amendment) Order 2014 amends the Local Elections (Principal Areas) (Welsh Forms) Order 2007 (S.I. 2007/1015) which prescribes the Welsh versions of certain forms and forms of words contained in the Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304). Those Rules were amended by the Local Elections (Principal Areas) (England and Wales) (Amendment) Rules 2014 (S.I 2014/494), which make a number of changes to certain prescribed forms and notices used by voters at local government elections in England and Wales. The amendments made to the 2007 Order by this Order reflect the changes made to the 2006 Rules.

4.2 The Local Elections (Communities) (Welsh Forms) (Amendment) Order 2014 amends the Local Elections (Communities) (Welsh Forms) Order 2007 (S.I. 2007/1013) which prescribes the Welsh versions of certain forms and forms of words contained in the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305). Those Rules were amended by the Local Elections (Parishes and Communities) (England and Wales) (Amendment) Rules 2014 (S.I 2014/492), which make a number of changes to certain prescribed forms and notices used by voters at parish and community council elections in England and Wales. The amendments made to the 2007 Order by this Order reflect the changes made to the 2006 Rules.

4.3 The Orders form part of a group of instruments intended to improve the voting experience and which also include provisions to update ballot papers and other forms used by voters.

5. Territorial Extent and Application

5.1 These instruments apply to Wales.

6. European Convention on Human Rights

6.1 As the instruments are not subject to any parliamentary procedure after being laid and do not amend primary legislation, no statement is required.

7. Policy background

7.1 The Local Elections (Principal Areas) (England and Wales) Rules 2006, as amended, and the Local Elections (Parishes and Communities) (England and Wales) Rules 2006, as amended, which set out the rules for the conduct of local government, and parish and community council elections in England and Wales respectively, prescribe a range of forms and forms of words to be used in these elections in relation to various aspects of the electoral process, including postal voting and voting at polling stations. Welsh versions of certain of these forms and forms of words are set out in the Local Elections (Principal Areas) (Welsh Forms) Order 2007 and the Local Elections (Communities) (Welsh Forms) Order 2007.

7.2 The Government has undertaken a programme of work to make improvements to the design of ballot papers and other forms used by voters at elections. The changes are being made following widespread consultation involving a programme of public user-testing and are designed to make the ballot paper and forms clearer and easier to use, and so facilitate electors' engagement with the voting process.

7.3 As a consequence, a number of changes were made to the forms and forms of words by the Local Elections (Principal Areas) (England and Wales) (Amendment) Rules 2014, and the Local Elections (Parishes and Communities) (England and Wales) (Amendment) Rules 2014. The two Welsh forms Orders provide translations of these forms for use at their respective elections, and ensure that the Welsh versions are consistent with the current English versions. The Orders also make a number of minor amendments to update statutory references.

7.4 These changes will have effect at local government and community council elections in Wales arising on or after 22 May 2014.

7.5 Examples of the changes being made to the forms are:

- Ballot paper – provide for the left-alignment of the details of parties and candidates, which reflects the way in which people read, i.e. left to right; and replace the traditional grid pattern on the ballot paper with horizontal lines that allow the voting box to float freely between them which will help electors with certain eyesight problems who found the old design difficult to use.
- Postal Voting Statement – greater prominence given to the requirement for postal voters to provide personal identifiers, i.e. date of birth and signature, with emphasis on the fact that these will be checked against those held on file; and a

reminder to the voter to check that these have been completed is also included on the revised form.

- Poll card - clearer and stronger emphasis given to the type and date of the election; clear guidance on what to do if the elector is unexpectedly unable to vote in person.

8. Consultation outcome

8.1 The Cabinet Office has consulted with the Electoral Commission on the Orders and they are content with the Welsh forms contained within the Orders.

8.2 The Orders set out Welsh versions of the revised forms and notices in the Local Elections (Principal Areas) (England and Wales) (Amendment) Rules 2014, and the Local Elections (Parishes and Communities) (England and Wales) (Amendment) Rules 2014. The forms in those instruments were developed in consultation with the Electoral Commission together with other leading electoral stakeholders such as the Association of Electoral Administrators (AEA), the Society of Local Authority Chief Executives (SOLACE), and also with election software and printing suppliers and SCOPE. Further, draft versions of election material have been subject to a full programme of public user-testing in a variety of geographical locations (including sessions in Wales) and amongst a broad cross-section of the general public. These included those for whom English is not their first language, individuals with low literacy levels, and in the case of bilingual material for use in elections held in Wales, a group of Welsh speakers.

8.3 The response to both the public user-testing and the wider consultation has been supportive of the proposed new designs which are seen as an improvement on the current forms and will help to make it easier for electors to cast their vote.

9. Guidance

9.1 The Electoral Commission will continue to issue guidance relating to the conduct of elections.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 A separate full regulatory impact assessment has not been prepared for these instruments because no impacts on the private, public or voluntary sectors are foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Cabinet Office keeps all electoral legislation under review to ensure it continues to support electors' participation in elections and effective electoral administration.

13. Contact

Peter Richardson at the Cabinet Office, tel 020 7271 6433, email: peter.richardson@cabinet-office.gsi.gov.uk can answer any queries regarding these instruments.