

Senedd Electoral Reform Research Briefing

August 2023



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Senedd Electoral Reform

Research Briefing

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1. Introduction

In June 2023, the First Minister, Mark Drakeford MS, confirmed that the Welsh Government will **introduce two Bills in autumn 2023 to reform the Senedd.**

The first Bill **will** respond to the recommendations set out by the Special Purpose Committee on Senedd Reform on increasing the number of Senedd Members to 96, changing the way they are elected, and putting reviews of Senedd electoral boundaries on a statutory footing.

The second Bill **announced** by the First Minister in the Legislative Statement will take forward the Special Purpose Committee's recommendation to introduce gender quotas for candidates elected to the Senedd.

This briefing looks back at the three key reports that have informed the development of these Bills:

- **'A Parliament that works for Wales' - Expert Panel on Assembly Electoral Reform (2017)**
- **'Senedd Reform: the next steps' - Committee on Senedd Electoral Reform (2020)**
- **'Reforming our Senedd: A stronger voice for the people of Wales' - Special Purpose Committee on Senedd Reform (2022)**

2. Expert Panel on Assembly Electoral Reform

Background to Expert panel's work

The Fourth Assembly Commission considered the capacity of the then Assembly. It published a **report** which unanimously concluded that a 60-Member Assembly was “underpowered and overstretched”.

At the time the report was published, the Assembly did not have legislative competence over its size. This changed under the **Wales Act 2017** which devolved powers to the Assembly in relation to its size and electoral arrangements, amongst other things.

In anticipation of the new powers, the Fifth Assembly Commission announced in November 2016 that it would take forward work to address the capacity of the Assembly. This led to the Expert Panel on Assembly Electoral Reform (the “**Expert Panel**”) being established in February 2017.

What did the Expert Panel consider?

The Expert Panel's remit was:

- To review, and complement if necessary, the existing evidence and research relating to the size and electoral arrangements for the National Assembly;
- From that evidence base, and in order to inform the preparation of any necessary legislation, to make recommendations to the Assembly Commission on what should be the size of the membership of the National Assembly, the electoral system that should be used to elect its Members and the minimum voting age for National Assembly elections.

The Expert Panel considered three substantive topics, which are all considered in greater detail below:

- **The capacity of the Assembly** – Part 2 of its report;
- **The election of the Assembly** – Part 3 of its report; and
- **The Assembly franchise** – Part 4 of its report.

What did the Expert Panel Find?

Capacity of the Senedd

The Expert panel's **report** states “there is no single authoritative and agreed formula by which the optimum size of a legislature may be assessed” and that its conclusions are therefore “based on balanced analysis of a range of different factors”.

Chapter 4 of the report explores the changing role of the Assembly and its powers since its establishment, such as the move to a reserved powers model of devolution, the devolution of taxation and Brexit. On this basis, it concluded that **an appropriate size for the Assembly was between 80-90 Members** and that this would “**deliver meaningful benefits for the capacity of the institution and corresponding benefits for the people of Wales**”. The Expert Panel recommended:

Recommendation 1 - page 28

The size of the Assembly should be increased to at least 80 Members, and preferably closer to 90 Members [...]

Whilst the Panel found that an increase to 80 Members would “undoubtedly strengthen the institution”, it found that the **benefits would be greater towards the ‘upper range’ of 90 Members**, and that this would also lessen the risk of having to revisit the question of capacity in the foreseeable future. The Expert Panel was not persuaded that the benefits of having more than 90 Members would necessarily outweigh the resultant increase in cost.

The **estimated additional recurrent annual costs of 20 or 30 additional Members was estimated at £6.6m and £9.6m**, respectively. In addition, the report acknowledges there would also be one-off costs associated with an increase in Members, such as adjustments to the Siambr and office accommodation. These costs were estimated at £2.4m for 20 additional Members, and £3.3m for 30 additional Members. In this regard, the Expert Panel recommended:

Recommendation 2 – page 31

The Remuneration Board and Assembly Commission should consider how [arrangements may be altered to ensure] that the cost of implementing our recommendations is kept to an absolute minimum;

Chapter 5 of the report explores approaches to increasing or enhancing the capacity of the Assembly without increasing the number of Members. This includes changing working practices, the structure of the Assembly’s working week and the number of sitting weeks. The Expert Panel concludes that:

[...] none of these approaches can address the underlying limiting factor: the severely limited time available for the 60 elected Members to carry out the full range of their responsibilities.

Chapter 6 of the report considers the role fulfilled by Members. It states that Members consistently report working long hours and that many have lengthy travel times or are away from home for much of the week. It finds that these factors create a barrier for some people who might otherwise stand for election which has a “corresponding impact on the diversity of representation in the Assembly”.

Chapter 8 of the report explores the specific capacity constraints facing the Assembly’s committee system. It concludes that **the Assembly is too small to carry out its scrutiny responsibilities effectively** and that **increasing the size of the Assembly “could undoubtedly improve the quality of scrutiny undertaken”**. However, it states that “the extent to which this is realised will depend on how any additional resource is deployed”. This forms the basis for Recommendation 3:

Recommendation 3 – Page 89

The Assembly must exercise restraint in the way it makes use of any increase in the size of the institution [...] in order to ensure that the potential benefits for the quality and quantity of scrutiny are realised and additional costs are kept to an absolute minimum.

The election of the Assembly

The Expert Panel was tasked with making recommendations for the electoral system which should be used to elect the Assembly.

Recommendation 4 – Page 102 (Re-worded for clarity)

The Assembly should be elected by **Single Transferable Vote (STV)** if our recommendations on legislative interventions to support and encourage diversity of representation are implemented.

The Assembly should be elected on the basis of a **Flexible List electoral system** if such recommendations are not implemented.

To assess the suitability of the various electoral systems, **the Expert Panel identified ten principles** by which to evaluate different options, including proportionality, voter choice, diversity and simplicity.

Against these principles, **the Expert Panel identified three potentially suitable electoral systems:**

- **Preferred option – Single Transferable Vote (STV)**
 - The Expert Panel found that STV delivers against its “principles of proportionality, equivalent status for Members and voter choice.
 - It would also be sufficiently flexible to elect an Assembly towards the higher end of the Panel’s recommended size and therefore enable greater future proofing.
 - STV could also deliver against the Panel’s principle of diversity of representation.
- **Viable Alternative – Flexible List**
 - The Expert Panel considered the Flexible List electoral system to be a viable alternative to STV if its gender quota recommendations were not implemented.
 - In a flexible list system, voters would be able to show a preference for a particular candidate on a party’s list.
 - The Expert Panel recommended that parties should be required to ensure that 50 per cent of their candidates in each consistency are female.
- **Status Quo option – Mixed Member Proportional (MMP)**
 - The Senedd is currently elected under the MMP model.
 - Whilst the system technically satisfied the Expert Panel’s principles, it did not favour the system because in the absence of a full boundary review, it necessarily limited the number of Members who could be elected to 80.

Measures to promote diversity

As part of its work, the Expert Panel considered how its proposals for electoral systems could support and encourage the election of a diverse legislature.

The Panel “focused primarily on ways to support and encourage balanced gender representation”. Particularly, the report considered the use of **gender quotas** in Parliament and found there was ‘international backing’ for their use.

Whilst the Panel recognised that the (then) Assembly had a “well-established international reputation for promoting gender equality”, it found that this reputation was “vulnerable” and that “reform of the electoral system provides an opportunity to embed equality into the future of political life in Wales”.

The Expert Panel recommended that prescriptive gender quotas should be integrated into the Assembly’s electoral system. It also said that such quotas should, as far as possible, include targets with embedded penalties and incentives. The Panel concluded that the Assembly has some scope to legislate in a way which encourages gender-balanced representation but acknowledges that “there are significant constraints on its competence”.

As part of its recommendation 10, the Panel proposes that if a gender quota is not implemented, either through lack of political will or competence reasons:

“[...] political parties should be expected to take steps to ensure their candidate selection processes support and encourage the election of a gender-balanced parliament for Wales, including the voluntary adoption by parties of the quotas we have outlined”.

Apart from gender quotas, the Expert Panel considered further measures to embed ‘family friendly working’ in the Assembly’s ethos. In this regard, the Panel recommended:

Recommendation 11 – Page 127

Electoral law and Assembly procedures [...] should be changed to enable candidates to stand for election on the basis of transparent **job-sharing** arrangements [...].

As part of recommendation 11, the Expert Panel states that the guiding principle behind job-sharing should be that partners are treated as if they are one person and that the arrangement “should give rise to no additional costs beyond those of a

single Assembly Member”.

What happened after the Expert Panel reported?

The (then) Assembly Commission consulted on the Expert Panel’s recommendations in early 2018.

“Taking account of the degree of political consensus at the time”, the Commission decided to pursue a **two-part legislative reform programme**.

In October 2018, the Commission sought the approval of the Assembly to introduce the **first phase** of its legislative programme, a Bill to:

- reduce the minimum voting age in Assembly elections to 16,
- change the name of the legislature to Senedd Cymru/Welsh Parliament, and
- make other changes, including clarifying the disqualifications framework.

The Senedd and Elections (Wales) Bill was subsequently introduced in February 2019, and **became law** in January 2020.

The Senedd Commission had intended that the second phase of its reform programme would be legislation to increase the number of Members and make consequential reforms to the electoral system.

However, in June 2019 the Senedd Commission **concluded** that while it was “confident that the case in favour of increasing the number of AMs has been made”, there was not yet political consensus on the electoral system and it was not therefore possible to legislate on phase two of Senedd reform during the Fifth Senedd.

In July 2019, the Senedd debated a Plaid Cymru motion on Senedd reform which called for an increase in the number of Members of the Senedd and for Members to be elected by Single Transferable Vote with effect from 2021. Following the debate, the Senedd resolved by a majority to:

- Note the Expert Panel’s report;
- Agree that an increase in the number of Members was needed; and
- Call for further cross-party work to take these matters forward.

3. Committee on Senedd Electoral Reform

Background to Committee on Senedd Electoral Reform's work

Following the call for further cross-party work on the Expert Panel's recommendations, the Llywydd tabled a motion to establish a Committee on Assembly Electoral Reform, which was **agreed** in Plenary, on 18 September. The Committee's name subsequently changed to the Committee on Senedd Electoral Reform (the "Committee").

The Committee was formed to examine the recommendations of the Expert Panel.

The Committee set itself **objectives** to:

- consolidate and add to the existing evidence base;
- inform and engage the public; and
- outline a roadmap for reform to inform political parties' consideration of their policy positions and manifestos for the 2021 Senedd election.

Committee inquiries

The Committee carried out three inquiries:

- **the capacity of the Senedd**
- **electing a more diverse Senedd**; and
- **electoral systems and boundaries**

The Committee **reported** on all three inquiries in a single report in September 2020. Its findings are summarised below.

What did the Committee find?

The capacity of the Senedd

The Committee agreed with the Expert Panel that the size of the Senedd should be increased, recommending:

Recommendation 1 – page 38

Legislation should be introduced early in the Sixth Senedd to increase the size of the Senedd to between 80 and 90 Members with effect from the 2026 election.

Recognising that an increase in size would have financial implications, the report states the Committee did not reach this conclusion lightly.

The Committee also **agrees in principle with the Expert Panel that the Senedd should have 80-90 Members**, but states that this “will need to be informed by decisions on the particular electoral system and boundary models around which political consensus may be built”.

The Committee’s **report** states that the majority of the evidence it heard “expressed concern over whether a 60 Member Senedd has sufficient capacity to fulfil its responsibilities effectively”. The Committee heard evidence opposing an increase in Members, but states that “this was generally because of concerns about potential costs rather than arguments that the current number of Members is appropriate”.

Whilst the **report** finds there were some benefits to being a small and agile legislature, it states that such benefits are:

“outweighed by the risks the Senedd’s lack of capacity presents to the effective fulfilment of its scrutiny, engagement and representative roles, and thereby to the proper functioning of representative democracy in Wales”.

The Committee considered measures to increase the capacity of the existing 60 Members but was not persuaded that such measures “could adequately address the capacity challenges facing the institution in the longer term”. It further states that the situation would be exacerbated if subject matters such as justice were devolved to Wales.

Electing a more diverse Senedd

The Committee explored interventions recommended by the Expert Panel and other stakeholders which could encourage the election of a more diverse Senedd.

Recommendation 9 – page 103

[T]he Welsh Government should make representations to the UK Government for the commencement of section 106 of the Equality Act 2010 in respect of elections in Wales.

There is currently no requirement to collect or publish information about the diversity of candidates for Senedd elections, although parties may do so on a voluntary basis. Section 106 of the Equality Act 2010 would, if commenced, make this a legal requirement.

The Committee's report states that "transparency drives change" and calls for s.106 to be commenced or, alternatively, for political parties to collect, anonymise and publish candidates' diversity data on a voluntary basis (Recommendation 10).

Recommendation 11 – page 111

A cross-party working group should be established early in the Sixth Senedd to explore in detail the feasibility of enabling election on the basis of job sharing and/or executive job sharing within the Welsh Government or other Senedd offices such as Llywydd, Commissioner, committee chair, or business manager. [...]

The Committee was persuaded by the evidence that "job sharing could help to remove barriers which might otherwise prevent some people from standing for election or serving as a Member of the Senedd".

While it found that job sharing in many professions and executive political roles was beginning to emerge, it acknowledged that election on the basis of job sharing would be novel. However, the Committee did not believe that job-sharing was insurmountable and suggested that consideration should be given to trialling job sharing on the basis of pilot schemes.

Recommendation 13 – page 118

[...] the Welsh Government should establish, as a matter of priority, an access to elected office fund to support people with disabilities to stand for election, and that consideration should also be given to extending eligibility for funding to other underrepresented groups.

The Committee considered financial barriers to standing for Senedd elections. It recommended the establishment of an access to elected office fund. It also called on the Welsh Government and Electoral Commission to consider whether certain disability-related expenditure should be exempt from election campaign spending limits (Recommendation 14).

Aside from disabled people, the Committee recognised that other underrepresented groups “may also face considerable financial barriers” to standing for election, including those with childcare or other caring responsibilities.

The Committee’s report calls on the Welsh Government to bring forward subordinate legislation exempting expenses relating to the costs of a candidate’s childcare or other caring responsibilities from election campaign spending limits (Recommendation 15).

Recommendation 20 – page 134

In reaching a decision on whether to include legislative candidate **gender quotas** in their reform proposals, the Member-in-charge of any Senedd reform legislation should **consider the extent to which such provisions would be within the Senedd’s legislative competence [...]**.

Recommendation 21

The relevant Sixth Senedd committee should **undertake further work on diversity quotas in respect of characteristics other than gender to inform decisions on whether such quotas would be appropriate mechanisms to encourage the election of a more diverse Senedd. [...]**

The Committee’s report states that:

“The impact of the Covid-19 pandemic on our work programme, and later the Brexit Party group’s decision to withdraw from the Committee, have unfortunately curtailed the extent to which we have been able to gather evidence or reach firm conclusions [on diversity quotas].”

While **the Committee was “persuaded by clear and compelling evidence that gender quotas [...] can increase the diversity of candidates”**, it said that it had not:

“been able to gather sufficient evidence on which to reach a firm view as to whether diversity quotas would be an appropriate mechanism by which to achieve greater diversity within the Senedd”.

The Committee's report acknowledges that "the Senedd's legislative competence as it currently stands constrains the potential for legislative proposals to include compulsory measures to encourage the election of a more diverse Senedd".

In particular, the Committee received legal advice stating that provisions in relation to legislating for job sharing by elected Members, diversity quotas, and the mandatory publication of candidate diversity data would likely 'relate to' the reserved matters of "funding of political parties and of their members and officers" and "equal opportunities" under the Government of Wales Act 2006.

Electoral systems and boundaries

Recommendation 4 - page 55

Legislation should be introduced early in the Sixth Senedd to provide that Members of the Senedd are elected by the Single Transferable Vote electoral system with effect from the 2026 election.

Having considered the merits of the three electoral system options proposed by the Expert Panel, **the Committee agreed that Members of the Senedd should be elected by the STV system.**

As guiding principles, the Committee states that any system should be simple for voters to complete their ballots, voters should be able to "express nuanced choices between named candidates" and that votes should produce broadly proportional outcomes.

In relation to the **design of a specific STV system for Senedd elections**, the Committee report states that:

"The Covid-19 pandemic and the decision of the Brexit Party group to withdraw from our work have **limited the extent to which we have been able to examine the detailed design of STV for use in Senedd elections.**" [SR emphasis]

However, the report states that **two key issues** emerged from the evidence the Committee heard: **vote transfer methodologies** and the **design and organisation of ballot papers.**

Recommendation 8 – page 82

[...] legislation should be introduced early in the Sixth Senedd to establish review arrangements for the Senedd’s boundaries.

The Committee’s report states that the Covid-19 pandemic curtailed its work exploring boundary review arrangements. It did not consequently reach firm conclusions on the matter.

The Committee’s report highlights that **there are currently no legislative provisions or mechanisms in place for reviewing either the Senedd’s boundaries or the apportionment of seats** to Senedd constituencies and regions. “Most of the evidence” heard by the Committee “supported the establishment of arrangements for reviewing the Senedd’s boundaries”.

The Committee found it “anomalous and unsustainable” that there was no legislative mechanism in place for reviewing the Senedd’s boundaries. On this basis, it recommended that **legislative proposals should be brought forward to establish review arrangements and that responsibility for such review should rest with an independent boundary review body.**

However, the Committee recognised that further work was required to determine the detailed design, methodology and parameters which would apply. For example, the Committee did not reach a firm view on whether the Senedd’s electoral boundaries should be aligned with those used for Westminster or local authority elections.

Developing proposals, legislating for and implementing electoral reforms.

The Committee found that **non-legislative actions in isolation would be insufficient to “fully address the capacity gap the [Senedd] faces”**. However, the report acknowledges that any legislative reform proposals will require “sufficiently broad political consensus across the Senedd to achieve a supermajority of 40 Members” (required under law to implement the proposed electoral changes).

On the question of the Senedd’s capacity, the Committee had intended to hold a citizens’ assembly to “gauge the public’s informed views” on the matter but was prevented by the Covid-19 pandemic. Instead, the Committee recommends that the Welsh Government, Senedd Commission or Member in charge of Senedd

reform legislation should commission such a citizens' assembly (Recommendation 28).

The report notes that any changes to the number of Members and how they are elected will require primary legislation. To ensure that such changes are in place for the 2026 Senedd election, it recommends:

Recommendation 29 - page 175

[...] consensus on the reform proposals and whether the legislation will be led by the Welsh Government, the Senedd Commission or a Senedd committee must be established very early in the Sixth Senedd.

In particular, the report states that **decisions must be taken as a matter of urgency following the Senedd election** on 6 May 2021, particularly on:

- the number of members;
- how they should be elected;
- issues relating to boundary reviews; and
- any legislative measures to encourage the election of a more diverse Senedd.

4. Special Purpose Committee on Senedd Reform

Following the Senedd election in May 2021, the First Minister, Mark Drakeford MS, **endorsed** calls for reform of the Senedd, particularly an increase in the size of the institution. He suggested that it was the Senedd's responsibility to take forward work on the matter, rather than the Welsh Government's role.

Later that year, in October 2021, **the Special Purpose Committee on Senedd Reform was established** with **two objectives**:

- to consider the conclusions previously reached by the Committee on Senedd Electoral Reform in the Fifth Senedd as set out in its report *Senedd reform: The next steps* laid before the Senedd on 10 September 2020;
- by 31 May 2022, to make recommendations for policy instructions for a Welsh Government Bill on Senedd Reform

Agreed priorities

At its **first meeting** on 3 November, the Special Purpose Committee agreed to structure its work around three broad phases:

- Identifying areas where there is common ground between the policy positions of political parties on Senedd reform, or the potential to establish common ground;
- Gathering further information as necessary in relation to those areas of common ground to assist the Committee develop policy instructions; and
- Developing recommendations for policy instructions.

Co-operation Agreement and Programme for Government

In December 2021, the Welsh Government and Plaid Cymru agreed to work together across a number of policy priorities where they had shared interests through the **Co-operation Agreement**.

The Welsh Government and Plaid Cymru agreed, through the Co-operation Agreement, to work together to:

Support plans to reform the Senedd, based on 80 to 100 Members; a voting system, which is as proportional – or more – than the current one and have gender quotas in law. We will support the work of the Senedd

Special Purpose Committee and introduce a Senedd reform Bill 12 to 18 months after it reports.

The **Programme for Government** was also updated to reflect the commitments made in the Co-operation Agreement. The Programme for Government now includes a commitment to:

Introduce legislation to reform the Senedd, based on 80 to 100 Members; a voting system, which is as proportional – or more – than the current one and introduce gender quotas in law.

What did the Committee find?

The Special Purpose Committee on Senedd Reform published its report '**Reforming our Senedd: A stronger voice for the people of Wales**' on 30 May 2022. The report was debated in **Plenary** on 8 June 2022.

The Committee's report sets out the **challenging timescales involved** and developed an indicative timetable for what would need to happen in order for its proposals to be in force in time for the next Senedd election in 2026. Given these challenges, the Committee accepts that **some aspects of reform need to initially be on an interim basis**.

Recommendation 1 - page 18

We recommend that Senedd reform is implemented in time for the next scheduled Senedd election in 2026. As a result, some aspects will need to be delivered on an interim basis

Size of the Senedd

The Committee notes the reports of the Expert Panel and the Committee on Senedd Electoral Reform that recommended the Senedd should increase in size to between 80-90 Members. However, the Committee recognises that there have been **changes to the Welsh political landscape** since the report were published, including as a result of Brexit and the Covid-19 pandemic, as well as the **reduction in the number of Welsh MPs from 40 to 32** at the next General Election.

The Committee therefore deems it appropriate to **consider a Senedd larger than that previous proposed** and concludes that "an increase beyond 90 is essential to future-proof the Senedd's capacity to scrutinise the Welsh Government's increasing powers and responsibilities".

Recommendation 2 – page 23

We recommend that the Senedd have 96 Members.

The Committee's report also considers the merits of **whether the size of the Senedd should be specified in primary or secondary legislation**. It notes that the usual approach in other legislatures in the UK is for it to be specified in primary legislation, but that it could be possible to allow a boundary commission to suggest varying the number of members to help achieve equality of representation.

The Committee concludes that as this matter is of constitutional importance, **it should be specified in primary legislation**.

Recommendation 3 – page 23

We recommend that the new size of the Senedd is specified in primary legislation.

Number of Welsh Ministers

The Committee notes that the recommendations it is making in regard to the size of the Senedd may result in consideration of **whether the statutory limit on the number of Welsh Ministers (12 persons, plus the First Minister and Counsel General) should also be changed**.

The Committee believes that the primary purpose of an increase in the size of the Senedd must be to enable improved representation, legislation and scrutiny, but notes that that the Government may wish to make a case for an associated increase in the number of Welsh Ministers as well.

The Committee did not come to a conclusion on this issue because of time constraints but **recommended further work be undertaken on the issue**.

Recommendation 4 – page 24

We recommend that the Senedd’s Business Committee and Welsh Government consider how cross-party consideration can be facilitated on the question of whether any increase in the size of the Welsh Government would be appropriate, balanced against the need for enhanced scrutiny. This consideration should then inform the development of legislation to provide for a Senedd of 96 Members.

This **matter has since been considered by the Business Committee**, who agreed that it would be reasonable to **increase the maximum number of Welsh Ministers to 17, with a mechanism to enable this to increase to a maximum of 19** through secondary legislation in order to future proof for the devolution of further powers. Business Committee concluded that secondary legislation to implement this change should be subject to an affirmative vote of the Senedd.

Number of Deputy Presiding Officers and Senedd Commissioners

The Committee notes that the Senedd is required by the Government of Wales Act 2006 to **elect a Presiding Officer and Deputy Presiding Officer**, as well as appointing **the Llywydd and four other Members to serve in the Senedd Commission**. The Committee did not form a conclusion on whether these should change but **recommended further consideration be given to the issues**.

Recommendation 5 – page 25

We recommend that consideration is given to the question of whether the Senedd should have flexibility through its Standing Orders to elect more Deputy Presiding Officers should it so wish. [..]

Recommendation 6 – page 25

We recommend that consideration is given to the question of whether the Senedd should have flexibility through its Standing Orders to elect more than four Members of the Senedd Commission should it so wish. [..]

This matter has also subsequently been considered by the Business Committee. The Business Committee agreed that **it would be reasonable to increase the**

maximum number of Deputy Presiding Officers to 2 but that provisions should be made to ensure political balance is maintained. The Business Committee did not believe that there should be provision to alter the current size or composition of the Senedd Commission.

Electoral System

The **Committee considered four electoral systems** as options for future elections to the Senedd. Three of these were previously considered by the Expert Panel, and the Committee decided to also consider a Closed List Proportional Representation system as it “had a number of potential benefits”. The four systems considered by the Committee are:

- Mixed Member Proportional (‘MMP’);
- Single Transferable Vote (‘STV’);
- Flexible List Proportional Representation; and
- Closed List Proportional Representation.

Mixed Member Proportional (‘MMP’)

This system is the one currently used in Senedd elections and did meet the Expert Panel’s key principles, however, the Committee concluded that **“if the size of the Senedd was to increase, it would be desirable to change the current electoral system”**. The Committee made the following conclusions in relation to MMP:

- It is not viable for a Senedd of more than 80 Members without either increasing the number of constituencies or having a larger number of regional than constituency members, neither of which the Committee sees as desirable;
- There is a disparity in casework between constituency and regional Members, which the Committee believes is a structural consequence of the MMP system;
- The system’s requirement for separate ballot papers for constituency and regional votes creates “undesirable complexity”; and
- The significant element of ‘first past the post’ within the MMP system “does not facilitate proportionality”.

Single Transferable Vote (‘STV’)

The Single Transferable Vote was the **preferred system of the both the Expert Panel and the Committee on Senedd Electoral Reform (CSER)**.

The **majority of the Committee did not support this option**. Sian Gwenllian MS did favour the introduction of STV as the new electoral system for the Senedd but “in the spirit of achieving the supermajority required to deliver Senedd reform [...] considered that a proportional list system would also have acceptable merits”. Jane Dodds MS did not “believe that a compelling case had been made for moving away from the recommendations of the Expert Panel and the CSER” and favoured the introduction of STV as the Senedd’s new electoral system.

The concerns raised by a majority of the Committee are:

- Voting by ranked preferences was an unfamiliar system in Wales and the method of translating votes into seats would be seen as complex and difficult to explain;
- An incentive to appeal to supporters of other candidates for their second and further preferences could have the unintended effect of limiting public debate, or proposing policy alternatives;
- Parties might potentially vary the number of Members that they stand in particular constituencies, to maximise the likelihood of votes being cast for its Members; and
- Voters could potentially favour candidates from one gender over another, which could impact on the application of gender quotas.

Proportional Representation Lists (Flexible and Closed)

A Flexible List Proportional Representation electoral system was **the Expert Panel’s “viable alternative” to STV**, if their recommendations on legislative interventions to support and encourage diversity of representation were not implemented.

The Committee also considered the possibility of a closed list proportional representation system, while noting “it was one of the electoral systems rejected by the Expert Panel”.

A majority of the Committee, representing a “legislative supermajority within the Senedd as a whole”, **favoured the introduction of a proportional list system**.

This majority notes that “the system would provide a single route to election for all Members and would enable a proportionate election of Members”.

The **majority of the Committee supported recommending a closed list proportional system**. Sian Gwenllian MS favoured an open or flexible list but “in the spirit of achieving a negotiated set of outcomes on the supermajority required to deliver Senedd reform, she considered that a closed list proportional system

would be acceptable". She also considered that this system would facilitate the introduction of statutory gender quotas.

Jane Dodds MS did not support the adoption of closed lists, saying she believed they would "reduce choice for voters and concentrate too much power in the hands of party machines" and that it would "weaken the lines of accountability between an individual Member and their electorate".

The majority of the Committee found that a closed list proportional representation system would:

- Have **ballots already familiar to voters** (similar to those current used to elect Regional Members);
- Facilitate **strong, cohesive political parties**;
- Readily **integrate with the introduction of legislative gender quotas**, and facilitate parties in putting forward a more diverse list of candidates on a broader basis; and
- Despite recognising the system would not provide for the public to directly elect individual Members, they would still ultimately be **accountable to the electorate** because their performance as individual Members will still have a bearing upon the votes cast of their parties.

Recommendation 7 – page 34

We recommend that the Senedd is elected using closed proportional lists.

Seat allocation and vote thresholds

The Committee notes the importance of the formula used to translate votes into seat allocations in a list proportional electoral system. The Committee considered two formulae: **D'Hondt** (currently used for Regional Members) and **Sainte-Laguë**.

The **majority of the Committee considered that seats should be allocated to parties using the D'Hondt formula**, as this is "the formula used for allocating regional seats to parties, and therefore has some familiarity". Sian Gwenllian MS favoured the use of Sainte-Laguë but "in the spirit of achieving the supermajority required to deliver Senedd reform, she considered that allocating seats via the D'Hondt formula would be acceptable".

Jane Dodds MS favoured the use of Sainte-Laguë as it would “offer greater proportionality and more accurately reflect the votes cast for smaller parties”. She considered that the rationale for using D’Hondt in the current system – to ‘correct’ disproportionality in the constituency election results – would not apply in a Senedd elected only using a list.

Recommendation 8 – page 37

We recommend that seats are allocated to parties using the D’Hondt formula.

Other matters

The Committee also **considered additional matters** that would arise from the use of the closed list proportional system.

- **Ballot papers** – the Committee did not make any recommendations about the design of ballot papers but do “anticipate” that at least some of the names of candidates will appear on ballot papers.
- **Vacant seats** – the Committee see limit remit in a by-election being run if a vacant seat arises given the proportional list system that it being recommended.
- **Changes of political party** – the Committee notes that arguments in favour of sanctions against Members changing party (voluntarily or involuntarily) but did not form a conclusion on what the consequences should be.

Recommendation 9 – page 39

We recommend that vacancies arising between elections under the closed proportional list system are filled through the next candidate on a party’s list.

Recommendation 10 – page 40

We recommend that the Senedd’s Business Committee gives consideration to the consequences of a Member changing their political party if elected through a closed proportional list system.

The Business Committee subsequently **considered** the matter of consequences if a Member changes their political party. The Business Committee concluded that **reform legislation should not include provisions which result in consequences**

for a Member who changes their political party or group, or becomes independent, between Senedd elections. It did however agree to **give further consideration to how Standing Orders relating to group membership could be reviewed** ahead of the next Senedd.

Diversity Measures

The Committee found common ground between political parties to explore both legislative and non-legislative measures to help to **increase the diversity of the Senedd**. Through work to develop these options, the Committee notes that the Senedd's legislative competence to pass legislation on these matters would need to be considered.

The Committee notes that **any Bill introducing diversity measures would need to be drafted in a way that does not relate to any reserved matter, including 'equal opportunities'**. This reservation does contain exceptions and the Committee believes there is scope for diversity measures to be introduced within existing legislative competence.

The Committee was conscious of the need to avoid a referral to the Supreme Court given the challenge timescales for implementation of legislation before the 2026 Senedd election.

Recommendation 17 - page 53

We recommend that the Welsh Government takes appropriate steps to ensure that our recommendations on Senedd reform for 2026 are not put at undue risk of a Supreme Court referral.

Gender Quotas

The Committee gathered evidence from academics and civil society organisations to supplement the findings of the Expert Panel and Committee on Senedd Electoral Reform on the introduction of gender quotas for Senedd elections.

The Committee concludes that **legislative integrated gender quotas¹ and mandatory zipping² should be developed** as part of the new list electoral system, with the rejection of candidate lists by Returning Officers as a sanction for non-compliance.

The Committee notes **advice on the Senedd's legislative competence to introduce gender quotas**. Given that the issue is complex, the Committee recognises that its recommendations could raise a variety of competence issues, depending on the detail of the policy developed, including consideration of the purpose of the Bill as a key element of competency.

Recommendation 11 - page 44

We recommend that the Senedd should be elected with integrated statutory gender quotas.

Candidate Diversity Data

The Committee notes that **s.106 of the Equality Act 2010** provides an **existing legislative provision for the publication of diversity information about electoral candidates** but that the power to commence this section resides with the UK Government.

In the continued absence of this provision being in force, the Committee recommends that there should **be legislative provision to collect and publish anonymised candidate diversity data**.

The Committee has been advised that imposing duties on devolved Welsh Authorities, such as Returning Officers for Senedd election, to collect and publish this information in a way that does not modify the Equality Act 2010, **could, with careful drafting, be within the legislative competence of the Senedd**.

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1. A legislative intervention to apply additional criteria at the candidate or elected Member level in order to encourage or ensure balanced representation for women and men. **Source: Expert Panel on Assembly Electoral Reform**
 2. The practice within List Proportional Representation systems of ordering candidates on a list alternately according to their gender. **Source: Expert Panel on Assembly Electoral Reform**

Recommendation 12 – page 45

We recommend that a legislative requirement is placed upon a devolved Welsh Authority to collect and prominently publish anonymised candidate diversity data.

Job Sharing

The Committee's report notes the **benefits that job sharing could bring**, for example, enabling greater diversity of candidates to stand for election, but highlights a number of issues that would need to be resolved before an effective job-sharing system could be put in place:

- Developing a dispute resolution mechanism between partners;
- What would happen if one partner unexpectedly vacated their position;
- Sanctions for misconduct by one of the partners; and
- Handling of information and data.

The Committee also notes that the Llywydd has previously stated that she has received legal advice stating that **the Senedd may not have legislative competence to legislate for Ministers to job-share**. This could create a two-tier system where job-sharing Members may not be eligible to become Ministers.

The Committee concludes that they **do not have sufficient time to consider this matter in full detail** and therefore further consideration should be given to whether changes to legislation (for election on the basis of job sharing) or Standing Orders (to enable job sharing for particular roles – such as a Committee Chair) could be made in the future.

Recommendation 13 – page 48

We recommend that further consideration should be given, on a cross-party basis, to exploring the feasibility and legislative challenges associated with enabling election on the basis of job sharing.

Recommendation 14 – page 48

We recommend that the Senedd's Business Committee considers the practical and procedural issues associated with the two Members job sharing a particular role (such as that of a Committee Chair).

Wider Measures to increase diversity

The Committee notes that **time constraints of its work limit the opportunity to consider the implications of legislative quotas for protected characteristics other than gender.**

It is therefore not recommending quotas be introduced for other protected characteristics at this current time but instead is calling for further work to be undertaken to look at both legislative and non-legislative means of achieving greater diversity in the Senedd across a wider range of protected characteristics.

Recommendation 15 – page 51

We recommend that a relevant committee considers how further work can best be undertaken on examining the merits and implications of legislative diversity quotas for characteristics other than gender. We anticipate that this consideration will inform decisions on whether such quotas may, in time, provide effective mechanisms for encouraging the election of a more diverse Senedd, at an appropriate time in the future.

The Committee is of the view that **other actions can be taken to encourage diversity more broadly** within the Senedd, such as each political party standing in the election publishing a diversity and inclusion strategy.

Recommendation 16 – page 51

We recommend that Senedd reform legislation includes provisions that encourage each political party standing candidates in a Senedd election to prominently publish a diversity and inclusion strategy, setting out how it has sought to facilitate diversity within its candidates, at least six months prior to the scheduled Senedd election.

Constituency Boundaries for the 2026 Election

The absence of an existing boundary review body with statutory responsibility for Senedd boundaries means that there would **not be enough time before the 2026 Senedd election for a full boundary review to take place.** The Committee concludes that the boundaries for the 2026 Senedd election will therefore need to be **based on an existing set of ‘electoral building blocks’.**

The Committee's report assesses the two sets of building blocks for Senedd constituencies considered by the Expert Panel (the **existing 40 Senedd constituencies**; and the **22 local authority areas of Wales**), as well as the **32 proposed Westminster constituencies** for the next General Election.

A majority of the Committee, representing a legislative supermajority within the Senedd, agree that **the boundaries for the 2026 election should be based on the final 32 UK Parliament constituencies proposed by the Boundary Commission for Wales**, with these constituencies **paired to create 16 new constituencies**.

This majority believes that there is value in using these building blocks as **they have recently been reviewed** and would therefore **only need a "swift process" to pair them**. The majority also considers them to have value as **they contain a broadly equal number of electors**, with **each electing the same number of Members**.

However, **the majority does not want this co-terminosity with UK Parliament constituencies to be permanent**, meaning that deviation from these constituencies could occur in future full boundary reviews.

Jane Dodds MS favoured using the 22 local authority areas to create 17 multi-Member constituencies, which would provide boundaries that are "familiar and meaningful to voters".

Recommendation 18 – page 63

We recommend that the 2026 election uses the final 32 UK Parliament constituencies proposed by the Boundary Commission for Wales once it has concluded its 2023 Parliamentary Review. These constituencies are to be paired to create 16 new multi-member constituencies.

Recommendation 19 – page 64

We recommend that although the Senedd's constituencies are initially aligned to those of the UK Parliament constituencies for the purpose of the 2026 election, they must not be automatically coterminous.

The Committee proposes that, as there is not sufficient time for a full boundary review to take place before the 2026 election, **there should be a "streamlined boundary review" for the purpose of defining the proposed 16 multi-member constituencies for the 2026 election**. This review would pair the 32 Westminster constituencies to create 16 multi-member constituencies for the Senedd election.

The Committee's report sets out an illustrative timetable for how **this review could be completed within 12 months** to give sufficient time for the implementation of its recommendations for electoral administrators and political parties to prepare for the 2026 election.

Recommendation 31 – page 81

We recommend that Senedd reform legislation includes provisions to enable a streamlined boundary review, for the purpose of defining the proposed 16 multi-member constituencies. This should be completed in sufficient time to enable the implementation of its recommendations, and for electoral administrators and political parties to make necessary preparations ahead of the 2026 election.

Boundary Reviews after the 2026 Election

Given the Committee's conclusion that interim arrangements are required for the 2026 Senedd election, it also considered the need for **a long-term framework to determine future Senedd constituency boundaries**. There are currently no legislative provisions in place to review the Senedd's electoral boundaries and **primary legislation, passed by the Senedd, would be required** to confer powers and duties on a new or existing organisation to undertake boundary reviews.

The Committee considered the findings of the CSER and took further evidence from the Local Democracy and Boundary Commission for Wales (LDBCW) and the Counsel General. It concludes that **it would be appropriate for powers to be conferred upon the LDBCW to undertake reviews of the Senedd's electoral boundaries**.

Recommendation 20 – page 67

We recommend that the power to review Senedd boundaries, including the power to define multi-member constituencies for the 2026 election should be conferred on the Local Democracy and Boundary Commission for Wales.

Recommendation 21 – page 67

We recommend that the Senedd Reform legislation should take steps to reconstitute and rename the Local Democracy and Boundary Commission for Wales to reflect its new functions. This should include any appropriate adjustments to its configuration, governance, staffing and financial resourcing.

The Committee considered how often these reviews should be conducted. Alongside the recommendations of the CSER, the Committee notes the situation for UK Parliament constituencies and arrangements for Scottish Parliament constituencies.

The Committee concludes that **legislation should include a requirement for full boundary reviews to take place on a periodic basis** and that the **first one should be instigated in this Senedd term to take effect from the next Senedd election after 2026**. The Committee recommends that this **should also include timescales for the processes involved in a full review**.

Recommendation 22 – page 69

We recommend that a full boundary review should be instigated in this Senedd term, with its recommendations to take effect from the 2031 Senedd election.

Recommendation 23 – page 70

We recommend that Senedd reform legislation includes a requirement for full boundary reviews to be undertaken on a periodic basis, with limited appropriate provisions for interim reviews if necessary.

Recommendation 24 – page 70

We recommend that Senedd reform legislation includes timescales for the processes involved in a full review of the Senedd's boundaries.

Review parameters

The Committee looked at the parameters that should be set for future boundary reviews, including whether the number of constituencies and members to be returned are specified in primary legislation; whether constituencies should be coterminous with local authority or Westminster boundaries; and any variance in the number of electors per constituency.

The Committee's report makes the following conclusions:

- The **number of Senedd constituencies should be specified as 16**;
- Each constituency should return **the same number of Members** of the Senedd;

- **Local authority wards should be used as the basic building blocks for designing constituencies** and they **should not be divided between constituencies**;
- There should be **no automatic link with Westminster constituencies** (**recommendation 19**); and
- There should be parameters set that constituencies are to **contain a broadly equal number of electors but other factors such as local ties, and geography are also relevant**.

Recommendation 25 – page 73

We recommend that the number of Senedd constituencies is specified as 16 in primary legislation.

Recommendation 26 – page 75

We recommend that primary legislation should specify that each constituency should return the same number of Members of the Senedd.

Recommendation 27 – page 76

We recommend that Senedd reform legislation should provide that local authority wards are used as the basic building blocks for designing constituencies and that a boundary commission should not normally divide electoral wards between constituencies.

Recommendation 28 – page 78

We recommend that primary legislation should specify as parameters for boundary reviews that Senedd constituencies are to contain a broadly equal number of electors, a tolerable variation in the electorate per constituency and other relevant parameters.

Implementing Reviews

Officials from the secretariat of the LDBCW told the Committee about the importance of legislation setting out **whether a boundary commission responsible for Senedd boundaries would be making recommendations** (to be approved by Senedd, or able to be altered by Welsh Ministers) **or would be decision-making body** (with only limited powers for Welsh Ministers to alter

boundaries if requested to by the boundary commission).

The Committee agrees with the LDBCW that **the commission's proposals should be implemented without the requirement for Senedd approval** and recommends that **Welsh Ministers should be required to make, "within a realistic but rapid timescale", subordinate legislation to give effect to boundary commission recommendations.**

Recommendation 29 – page 79

We recommend that the boundary commission's recommendations should be implemented without a requirement for Senedd approval and with government ministers having no power to amend such recommendations, other than if requested by the boundary commission to correct errors.

Recommendation 30 – page 79

We recommend that a Welsh Government Bill on Senedd reform requires the Welsh Ministers to make, within a realistic but rapid timescale, subordinate legislation to give effect to boundary commission recommendations.