

Further information to support the Reform Bill Committee's scrutiny of the Senedd Cymru (Members and Elections) Bill

December 2023

At our evidence session on the Senedd Cymru (Members and Elections) Bill on Wednesday 22 November, we committed to sending some further information on:

- a) how the recall system works at a Westminster level
- b) registering to vote from a second home

This is set out below. We hope it is helpful to the Committee – please let us know if you would like any further information on anything at all.

The Westminster recall process

Since the Recall of MPs Act 2015 there have been five recall petitions in the UK, including the one currently underway in Wellingborough. A recall petition takes place if an MP is:

- Convicted of an offence in the UK and receives a custodial sentence (including a suspended sentence) or is ordered to be detained, other than solely under mental health legislation.
- Suspended from the House of Commons for 10 sitting days or 14 calendar days.
- Convicted of providing false or misleading information for allowance claims under the Parliamentary Standards Act 2009.

Voters in the relevant constituency will have six weeks to sign the petition. If at least 10% of voters in the constituency sign the petition, the MP will lose their seat and it will trigger a by-election. The recalled MP can stand as a candidate at the ensuing by-election.

We have produced several reports on the recall petitions that have taken place since the Recall of MPs Act came into force. In our most [recent report](#), covering the 2023 Rutherglen and Hamilton West recall petition, we reiterated our key recommendations for the UK Government going forward. These include:

- Identifying the appropriate length for a reduced petition period of less than six weeks – we continue to find that most people wishing to sign a recall petition do so within the first two weeks of the signing period.
- Reviewing the scope of who can observe the process in signing places to extend transparency and scrutiny, while ensuring that secrecy is maintained for people signing the petition.

- Consideration of whether eligible electors should be given the chance to complete an equivalent to the signing sheet to indicate that they oppose the petition.
- Setting out more clearly what time signing places should close on the final day of the petition period, the deadline for receipt of postal signing papers, and when and how the Speaker of the House of Commons should be notified of the petition result.
- Keeping the rules for donations and spending by campaigners under review as more experience is gained at future recall petitions, to ensure there is appropriate oversight and regulation of campaigner spending.

We also made some recommendations for Petition Officers and Returning Officers:

- That Returning Officers should continue to keep under review contingency plans for any potential recall petitions in their constituency, including identifying possible locations for signing places.
- That Petition Officers should ensure they offer some extended opening hours for people to sign the petition, beyond the minimum hours of 9am to 5pm.

These are all matters that will need to be considered by the Welsh Government and Senedd if recall provisions are to be included within the Senedd Cymru (Members and Elections) Bill at a later stage.

In addition to the report on the Rutherglen and Hamilton West recall petition, our other reports on previous Westminster recall petitions are available here:

- [The 2019 recall petitions in Peterborough and in Brecon and Radnorshire](#)
- [The 2018 recall petition in North Antrim](#)

Registering to vote from a second home – Electoral Commission guidance

As we set out during the evidence session, applications to register from a second home would be looked at on a case-by-case basis by the relevant Electoral Registration Officer and would depend on the amount of time that is spent at each address. If a person is correctly registered, even at a secondary address, under the Bill's provisions they would not be disqualified from standing at a Senedd election and serving as a Member of the Senedd.

Our guidance for Electoral Registration Officers on this issue is [available here](#). We also [publish general information](#) for voters on registering to vote and second homes. The relevant legislative provisions underpinning this guidance are Sections 4 and 5 of the Representation of the People Act 1983.