

Julie James AM
Minister for Housing and Local Government

13 March 2020

Dear Minister,

**Local Government and Elections (Wales) Bill – draft proposed amendments on
prisoner voting**

Thank you for your letter of 29 January seeking the Committee’s view on draft proposed amendments to the Local Government and Elections (Wales) Bill to enable certain prisoners and young people in custody in Wales to vote in local government elections. Thank you for the subsequent supporting information to assist the Committee’s consideration.

Although we have previously undertaken an inquiry into voting rights for prisoners, our focus was on the principles around whether prisoners should be allowed to vote; this is different to considering specific legislative proposals. The report of our inquiry was published in June 2019, therefore it is disappointing that you were unable to include the provisions in this Bill on introduction.

We note that the draft amendments provide for prisoners serving sentences of less than four years to be granted the right to vote as recommended in our report. However, there are some differences, notably that the right to vote does not include prisoners who have been convicted of offences under section 173 of the Representation of the People Act 1983 which cover corrupt and illegal practices in relation to elections. Whilst we did not recommend such an approach, we understand the rationale for this restriction.



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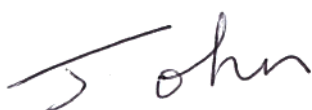
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A more significant divergence to our recommendation, is that the draft amendments would enable prisoners to vote in local government elections but not in Senedd elections. We are aware, from your letter of 18 September 2019, that it is the Welsh Government's intention to legislate to implement such a change for Senedd elections in due course. We note that legislation to extend the franchise to Senedd elections would need to be agreed by a super majority of Assembly Members, in accordance with section 111A of the Government of Wales Act 2006.

We note that to implement this change for local government elections, the draft amendments would create different franchises for Senedd and local government elections. As these sections were not included in the Bill on introduction, we have been unable to gather the views of key stakeholders such as the Electoral Commission, the Association of Electoral Administrators or the Wales Electoral Coordination Board on the implications of what appears to be a potentially significant difference in franchise between Senedd and local government elections.

Should you bring forward amendments at Stage 2 to enable prisoners to vote in local government elections, we expect these to be accompanied by a full range of supporting information, including explanatory notes, a policy statement explaining the outcome of the consultation and a realistic estimate of the financial implications of the new provisions.

Yours sincerely,



John Griffiths
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

