



Eich cyf/Your ref P 06 1185
Ein cyf/Our ref FM -/10257/21

Jack Sargeant MS
Chair
Petitions Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

petitions@senedd.wales

3rd November 2021

Dear Jack,

I am writing in response to petitions P-06-1185 and P-06-1186, which both relate to a residency requirement for candidates in Senedd elections.

There is currently no requirement for Senedd candidates to reside in Wales either prior to their candidacy or during their term of office. However, to stand as a candidate, an individual must be one of the following:

- A British citizen
- A qualifying Commonwealth citizen
- A qualifying foreign citizen
- A citizen of the Republic of Ireland
- A citizen of the European Union who is resident in the United Kingdom.

The choice of candidates is a matter for political parties and the methods used for choosing a candidate can vary. In some cases, a candidate is selected for a constituency or region by the party's leadership. In others, the selection is determined by a vote within the membership of the local branch of the party. There are also independent candidates, who are free to decide for themselves where they stand.

The petitions raise some interesting questions about what makes an effective representative and about the relationship between the candidate and their prospective constituents. An elected representative is chosen by voters to speak on their behalf in the Senedd and to do so requires knowledge about the people living in the constituency and the unique

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

challenges they face. It also requires the Member to maintain the confidence of their constituents should they wish to be re-elected.

The impact of residential status on the effectiveness of a candidate is not easily quantified. In theory, a person who has lived and was raised in an area is going to have a greater knowledge of the issues faced by their constituents, on the basis of their own lived experience. However, such local knowledge can be learned and it could be argued that the ability of the candidate to engage and develop a relationship with their constituents is of greater importance. While prior local knowledge can be an advantage, the effectiveness of a candidate is dependent on a wide range of skills.

A prohibition on candidacy for those who reside outside Wales would prevent those with genuine connections and interests from standing as a candidate. For example, an individual may have been born and raised in Wales, and only recently moved away, but such a person would be disqualified under the petitions' proposals, despite having a genuine connection. This would also place an obligation on such candidates to undertake a significant and costly change to their living arrangements before knowing for certain that they have been elected.

Such a proposal may be more appropriate to a Member's term of office. Once elected to the Senedd, it makes little sense for a Member to live outside of Wales. Although technology has provided the opportunity for greater communication over distances, allowing more people to work remotely, this may not always be conducive to the work of a Member which requires an active engagement in the community. This involves regular surgeries, attending local events and visiting businesses and places of interest within the area. Constituency casework can involve cases of a highly sensitive and emotional nature, for which virtual working could present an additional unnecessary barrier. This is not to say that Members cannot undertake some of their work remotely, but much of a Members work inevitably requires their presence within their constituency.

The implementation of a residency requirement for candidates or Members of the Senedd would need consultation with a range of stakeholders to consider the full implications of such a change on potential and existing Members. Consideration would have to be given to the effect on the rights of those impacted, the extent to which any provision is necessary to achieve particular aims, including its proportionality, and whether there are any alternative options to achieve the same aims or any ways of mitigating any harms that may be caused. In the same way that the right to vote should be protected, the right to stand for elected office should not be removed from individuals without good reason.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD