

Response to consultation feedback on the Codes of Practice on spending by candidates and political parties at Senedd elections | Electoral Commission    Search

Response to consultation feedback on the Codes of Practice on spending by candidates and political parties at Senedd elections    You are in the Our consultations section Home   Our consultations On this page Introduction At which elections do the Codes apply? What are Codes of Practice? Key themes from previous consultations Key themes from this consultation Conclusion The codes First published: 15 January 2021 Last updated: 30 March 2021 Introduction Introduction Between October 2019 and January 2020 we carried out a consultation on two Codes of Practice on election spending: spending by candidates and spending by political parties at Senedd elections. We welcomed views from a wide range of stakeholders and recognise how important it is that the Codes are supported by those who use them. We used the feedback to amend the draft Codes to provide additional clarity where possible. In some cases where respondents asked for additional clarity on the principles contained in the Codes, we felt that it would be more appropriate to provide additional details in the supporting guidance rather than in the Codes themselves. At which elections do the Codes apply? These Codes apply at Senedd elections. Separate Codes have also been drafted for elections that fall within the remit of UK Parliament, such as UK Parliamentary elections, and Codes have also been drafted for Scottish Parliament elections. What are Codes of Practice? The National Assembly for Wales (Representation of the People) Order 2007, as amended by the Senedd Cymru (Representation of the People) (Amendment) Order 2020, and the Political Parties Elections and Referendums Act 2000, allow the Electoral Commission to draft Codes of Practice on candidate and party spending. The legislation specifies how much candidates and parties are allowed to spend at Senedd elections and states that campaign spending must be reported against specific categories. We asked the Minister for Housing and Local Government to lay the Codes of Practice before the Senedd. When in force the Codes will constitute legal documents. The Codes give clarity to candidates, agents and parties about what items count towards spending, whether they should be reported in a candidate or party return and which category of spend they should be reported under. They also set out how to report spending on digital campaigning. Electoral law is in need of reform to make it clear and easy to understand. In the absence of reform, the Codes allow us to provide clarity and consistency in reporting election spending. Key themes from previous consultations Between October and December 2018 we carried out a consultation on the draft Codes for UK Parliamentary general elections. The key themes in the feedback focused on: Language and structure of the codes Transparency for spending on digital campaigning Splitting spending between party and candidate Treatment of overhead Treatment of costs of items used at several elections Treatment of material featuring a prominent party member Treatment of legal costs Interaction of the codes with other guidance we issue Key themes from this consultation The consultation on the Senedd Codes built on the feedback from the UK Parliamentary Codes. Senedd elections are conducted using the Additional Member System. Voters receive two ballot papers and can cast two votes, one to elect their constituency candidate and one to vote for a political party. Due to the nature of these elections, some campaign materials not only encourage voters to vote for a constituency candidate, but also encourage voters to vote for a political party in the regional elections using their second vote. As a result, campaign spending may need to be split between the relevant candidate and party spending returns. The principles included in the Codes are: where campaign materials identify the constituency candidate or the constituency itself, but do not

promote the electoral region where the constituency sits, the full costs are to be included in the candidate's spending return where campaign materials are encouraging voters to participate in both elections, the costs should be split between the candidate spending return and the party spending return We received four types of responses on these principles: where possible, there should be consistency across the Codes for different elections to avoid confusion for participants the principle should be expanded to include other types of activity where targeting of material occurs in a constituency asking for more clarification on how the split works in practice and how spending is split across multiple candidates and elections where voters receive a simple reminder that there are two elections, the costs should not be apportioned as this creates administrative difficulties and the costs are likely to balance out between candidate and party returns Based on the feedback received we have added additional examples to the Codes to provide greater clarity on how costs should be split between candidate and party spending returns. It is not possible to include all possible campaigning scenarios in the Codes. We will therefore also provide additional guidance on campaign spending and reporting with a wider range of scenarios and examples than those included in the Codes. Conclusion We are grateful for all the feedback we received. The feedback supported our aim of producing Codes of Practice for Senedd elections to improve consistency and transparency in reporting of party and candidate spending. In response to the feedback, we amended the Codes and included additional examples to provide greater clarity for some scenarios. The Codes have now been submitted to the Minister, and we have asked for them to be laid in the Senedd, with a view to them being in force for the May 2021 elections. The codes

The codes

Related content

Donations and loans Find out about donations and loans to a political party, individual or other organisation

Party registration decisions View our decisions on political party names, descriptions and emblems

View current applications View the political party names, descriptions and emblems which we are currently considering as part of our assessment process

Registers of unincorporated associations Download and view the registers of unincorporated associations