

Explanatory Memorandum to the Local Elections (Wales) (Amendment) Rules 2026

This Explanatory Memorandum has been prepared by the Elections Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Local Elections (Wales) (Amendment) Rules 2026. I am satisfied that the benefits justify the likely costs.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

10 February 2026

PART 1

1. Description

1. The Local Elections (Wales) (Amendment) Rules 2026 (“the Amendment Rules”) amend the rules for the running of local government elections in Wales, the Local Elections (Principal Areas) (Wales) Rules 2021 and the Local Elections (Communities) (Wales) Rules 2021, together referred to as “the 2021 Rules”.

2. The 2021 Rules were fully redrafted and modernised in 2021, and the Amendment Rules make only necessary and technical changes to the 2021 Rules to take account of changes to policy and other legislation.

3. The Amendment Rules go together with the Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026.

4. To bring local government elections in Wales in line with recent changes for Senedd elections, a separate piece of legislation is required to ensure consistency on campaign expenditure. This change requires an amendment to be made to paragraph 13A of Schedule 4A to the Representation of the People Act 1983 (“RPA 1983”). The amendment will ensure that candidates at local government elections will not, as part of their election expenses, have to account for reasonable expenses incurred in providing for their personal security and the protection of property.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

5. None.

3. Legislative background

6. The Welsh Ministers are enabled to make the Amendment Rules under section 36A(1), (2), (3), (4), (5) and (9) of RPA 1983.

7. Section 36A(1) of RPA 1983 sets out that elections for councillors for local government areas in Wales must be conducted in accordance with rules made by the Welsh Ministers. Section 36A(2) and (3) sets out what these rules must do including requiring polls to be conducted where the election is contested and establishing the requirements for becoming a candidate for election etc.

8. Section 36A(4) and (5) sets out further provisions around what the rules may do and how these rules interact with existing legislation. This includes giving Welsh Ministers the power to make supplementary, incidental, consequential, transitional, transitory or saving provisions when giving full effect to these rules.

9. Section 36A(9) sets out that these rules must be made by statutory instrument and may make different provisions for different purposes.

10. These Rules are presented to be laid before the Senedd under section 36A(10) of RPA 1983 and are subject to approval by resolution of Senedd Cymru.

11. In accordance with section 36A(7) of RPA 1983, before making these Rules, the Welsh Ministers have consulted such persons as they considered appropriate.

4. Purpose and intended effect of the legislation

12. The intended effect of the Amendment Rules is to amend the 2021 Rules, to bring legislation for local government elections in Wales up to date with changes to policy and other legislation.

13. Currently, the 2021 Rules comprise of the Local Elections (Principal Areas) (Wales) Rules 2021 (“the Principal Areas Rules”), which govern the conduct of elections to county and county borough councils in Wales, and the Local Elections Communities (Wales) Rules 2021 (“the Communities Rules”), which govern the conduct of elections to community and town councils in Wales. Together, these two pieces of legislation provide how a poll is to be conducted in Wales in relation to local government elections.

14. The 2021 Rules were fully redrafted and modernised in 2021. Both sets of rules were amended in 2022, and the Principal Areas Rules were updated further in 2023 to enable elections to be conducted under the Single Transferable Vote (STV) system should any principal council adopt that system.

15. The main policy changes effected by the Amendment Rules include amending wording in the prescribed forms required as a result of the Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023 (“the STV Rules”) and small improvements identified in the preparation of the STV Rules. Further changes made in the Senedd Cymru (Representation of the People) Order 2025 (“the Conduct Order”) are also taken account of in the Amendment Rules, such as accessibility provisions.

16. The changes are summarised as follows:

- Welsh language requirements
- Updating prescribed forms
- Accessibility equipment duty
- Joint descriptors
- Working digitally
- Use of schools and public rooms
- Filling casual vacancies in town and community councils: “six month rule” correction
- Corrections and minor amendments

Welsh Language Requirements

17. Our goal has been to support the equal use of the Welsh and English languages in elections and for this to be reflected effectively throughout legislation.

18. The Amendment Rules make changes to ensure that this is the position in the conduct of local elections making Welsh elections bilingual wherever possible. They also seek to provide consistency across Welsh elections legislation.

19. Rules 8, 36, 65 and 90 amend the 2021 Rules in relation to ballot papers to require the words “Wales”, “Welsh”, “Cymru” or “Cymreig” to be included on the ballot paper as part of a description where a candidate has requested their use during the nomination process.

20. Rules 15, 43, 72 and 97 replace the rules in the 2021 Rules that set out the questions that can be asked of persons who attend at the polling station to vote. These rules are amended to make it clear that the questions can be asked in Welsh or English, and the amended rules set out the text of the questions in both languages.

21. Rules 20, 21, 48, 49, 77 and 102 amend the 2021 Rules in relation to the declaration of the election results to require the returning officer to give the declaration and provide the public notice of the results in both Welsh and English.

Updating prescribed forms

22. The 2021 Rules contain appendices with the prescribed text for certain of the forms to be used at local government elections in Wales, and all forms are already required to be provided bilingually under the 2021 Rules. The STV Rules amended the Principal Areas Rules by inserting new sections and new appendices to those Rules. As a result, this introduced some inconsistency in the terminology used in the appendices.

23. The Amendment Rules take account of minor changes introduced by the STV Rules and bring consistency not only to the forms used at local elections, but they also introduce consistency with the forms used at Senedd elections. The changes that are made to the appendices to the 2021 Rules mostly relate to updating wording contained within forms to make them more accessible and understandable. For example, including the word ‘voting’ to the word ‘voting box’ so users can more easily understand instructions.

24. Other changes have been made to the appendices to reflect amendments made to the substantive rules, and to clarify certain elements of the forms. For example, the consent to nomination forms have been amended to provide clearer instructions for candidates when competing the statements of party membership.

25. Rules 23 to 30, 51 to 58, 79 to 84 and 104 to 109 of the Amendment Rules contain the changes to the appendices to the 2021 Rules.

Accessibility equipment duty

26. The Elections Act 2022 placed a duty on Returning Officers to provide such equipment as is reasonable to provide for the purposes of making it easier for disabled people to vote. When exercising this function, returning officers must have regard to any guidance issued by the Electoral Commission. This change was introduced in the Conduct Order for Senedd elections.

27. For consistency across all elections in Wales, the Amendment Rules introduces this duty on Returning Officers at local government elections.

28. Rules 11, 39, 68 and 93 amend the requirements in relation to the equipment that must be provided to assist people to vote independently.

29. Amendments to language around disabilities are also contained within the Amendment Rules. Rules 16, 17, 44, 45, 73, 74, 98 and 99 contain amendments which replace all references to blindness with references to severe sight impairment. Again, this introduces consistency across Welsh elections legislation.

Joint descriptors

30. The Amendment Rules contain amendments to ensure joint descriptors, as registered with the Electoral Commission, can be used by candidates.

31. Rules 4, 32, 61 and 86 amend the 2021 Rules on nomination papers to allow candidates to include a description in their nomination papers that is a joint description that has been registered by more than one registered political party.

Working digitally

32. The Amendment Rules include minor amendments to take account of digital registers, and to ensure this is in line with equivalent procedures for Senedd elections in the Conduct Order.

33. Rules 6, 34, 63 and 88 make amendments so nomination papers can be inspected where they have been delivered electronically.

34. Rules 7, 35, 64 and 89 make amendments so that home address forms can be inspected by the qualifying persons where they have been delivered electronically.

35. Rules 11, 39, 68 and 93 make amendments to the use of electronic versions of the registers of electors, lists of postal and proxy voters and the corresponding number lists.

36. Rules 12, 13, 40, 41, 69, 70, 94 and 95 make amendments on the appointment of polling and counting agents to facilitate the use of e-mail addresses for these agents.

Use of schools and public rooms

37. To bring the rules for local government elections in line with the rules for Senedd elections, rules 9, 37, 66 and 91 make amendments in relation to the use of schools and public rooms for the purposes of conducting the poll.

38. The amendments ensure that the use of a room in an unoccupied building for that purpose does not render a person liable to pay any council tax or non-domestic rates.

Filling casual vacancies in town and community councils: "six month rule" correction

39. The 2021 Rules currently contain different start dates for the 6-month period during which casual vacancies arising in principal councils and town and community councils would not result in a by-election.

40. Currently sections 26(3) and 35(2B) of the Local Government Act 1972 ("LGA 1972") require councillors in principal councils and town and community councils to retire on the fourth day after the date of an ordinary election, and the new councillors take up office on the same day.

41. For principal councils, section 89(3) of the LGA 1972 sets out that where a casual vacancy occurs within six months before the day on which the councillor whose office is vacant would have retired, an election would only be held if the total number of unfilled vacancies in the council exceeds one third of members. In other circumstances, the vacancy would be filled at the next ordinary election.

42. However, the six -month rule is defined slightly differently in Rule 5(5) and (12) of the Communities Rules 2021 for town and community councils. These use the date of the next scheduled election as the end point of the six -month period.

43. Rule 59 contains an amendment that provides for a community councillor's final six months in office to be the period of six months ending on the fourth day after the next ordinary election of town and community councillors. This will bring the 'six month' rule for town and community councils in line with principal councils.

Corrections and minor amendments

44. The Amendment Rules contain a number of minor drafting amendments, for instance, to reflect changes implemented in relation to Senedd elections through the Conduct Order.

45. These minor changes are detailed below:

- Clarification of powers of the presiding officer at a polling station to deal with disruption: Rules 10, 38, 67 and 92 make amendments on the appointment of presiding officers and clerks to clarify that a presiding officer may not authorise clerks to order the arrest of any person at a polling station. This is a technical change, for consistency with the Conduct Order.
- Sealing of ballot boxes: Rules 14, 42, 71 and 96 make amendments in relation to the sealing of ballot boxes to amend the reference to the returning officer's seal to a reference to the presiding officer's seal.
- Procedure on close of poll: Rules 19, 47, 76 and 101 make amendments in relation to the procedure that must be followed on the close of the poll. The amendments:
 - restate paragraph (2) of the respective 2021 Rules so that it is clearer for the reader
 - require the returning officer to also place in sealed packets, any postal ballot papers and postal voting statements that have been returned to the polling station and have not otherwise been collected during the course of the day
 - deal with the sealing of any electronic registers and lists that have been used at the polling station.
- Declaration of results: Rules 20, 21, 48, 49, 77 and 102 make amendments to the 2021 Rules to enable the returning officer to use any commonly used surnames or forenames of candidates when making the declaration of the results and providing the public notice of those results, where those commonly used surnames or forenames were included on the statement of persons nominated.
- Delivery of documents: Rules 22, 50, 78 and 103 make amendments to the 2021 rules dealing with the delivery of documents to the registration officer following the election. The amendments clarify that those documents are to be delivered securely and thereafter must be stored securely. The amendments also set out the information that must be included on the packets in which the documents are so delivered.
- Correction of minor errors in nomination papers or home address forms: Rules 5, 33, 62 and 87 make amendments to 2021 Rules to enable the returning officer to correct minor errors in nomination papers and home address forms. As the prescribed nomination papers do not require candidates to include their electoral numbers, the rules enabling returning officers to correct minor errors in connection with electoral numbers are omitted.

Coming into force

46. The Amendment Rules will come into force on 13 March 2026, however, they will not take effect until the next ordinary local government elections on 6 May 2027. Any by-elections that take place prior to that date will be conducted in line with the 2021 Rules as unamended.

47. This timescale means that this subordinate legislation will be in compliance with the Gould principle, and allow the Electoral Commission and electoral administrators sufficient time to update relevant procedures, guidance and forms.

5. Consultation

48. Section 36A(7) of RPA 1983 requires the Welsh Ministers to consult with such persons as they consider appropriate prior to making the Amendment Rules.

49. A 12-week consultation ran from 20 October 2025 to 12 January 2026 on the draft Amendment Rules. The consultation was drawn to the attention of a wide audience of key election stakeholders including Returning Officers, elections administrators, the Electoral Commission and local authorities.

50. There was broad agreement to all of the proposals in the consultation. No substantive amendments were considered necessary to the draft Rules.

51. The consultation documents and a summary of the responses are available at: [Changes to local government elections rules in Wales | GOV.WALES](#)

6. Regulatory Impact Assessment (RIA)

PART 2 - REGULATORY IMPACT ASSESSMENT

Options

52. The majority of the Rules and associated processes will remain the same as for previous local elections in Wales.

Option 1 – Business as usual. The current rules governing local elections the Local Elections (Principal Areas) (Wales) Rules 2021 and the Local Elections (Communities) (Wales) Rules 2021 would govern the conduct of local elections in Wales.

Option 2 – To make the Local Elections (Wales) (Amendment) Rules 2026.

Cost and benefit analysis

Option 1 – Business as usual

53. Were Option 1 to be followed, it would mean the existing 2021 Rules would apply to local government elections in Wales. The 2021 Rules are no longer considered fully fit for purpose as a consequence of other changes to policy and legislation that those rules do not take into account.

54. The changes being made to the 2021 Rules are predominantly technical in nature, including wording around accessibility and use of the Welsh Language to reflect changes undertaken in the recently made Conduct Order.

55. If Option 1 were to be followed, the rules and procedures that govern elections in Wales would not be consistent with one another and creates a disparity in terms of accessibility and the Welsh Language. This risks confusion for voters and electoral administrators.

Option 2 – Make the Local Elections (Wales) (Amendment) Rules 2026

Description

56. The local authority is required to appoint a Returning Officer to conduct elections on its behalf. The cost of running local elections falls entirely on County and County Borough Councils and Town and Community Councils. Section 36C(1) of RPA 1983 requires councils to cover all expenditure, so far as that expenditure does not, where there is a scale fixed by the county or county borough council, exceed that scale, incurred by the Returning Officer in holding an election.

57. In the case of the costs of Town and Community Council elections, the RPA 1983 also prescribes under section 36C(2) that all expenditure properly incurred by a returning officer in relation to the holding of an election of a

community councillor must, in so far as it does not, in cases where there is a scale fixed for these purposes by the council of the county or bountly borough in which the community is situate, exceed that scale, be paid by the principal council; and if the principal council so require, any expenditure so incurred must be repaid to them by the community council.

58. The costs of running an election result from having to meet a range of fees, charges and expenses incurred in paying staff, the expenses of printing notices, ballot papers, postal voting forms etc. hiring polling stations and conducting the counts. There are no changes proposed in the Amendment Rules with respect to the usual processes for running the election.

Cost

Accessibility duty

59. The Conduct Order for Senedd elections reflected changes made in the Elections Act 2022 to the rules relating to UK Parliamentary elections. This introduced a new broader requirement for Returning Officers to provide such equipment as is reasonable for the purposes of enabling, or making it easier for, disabled people to vote independently and subject to the identified needs of disabled voters.

60. It was intended that changes introduced for Senedd elections through the Conduct Order would also be made in respect of the 2021 Rules and potential costs for accessible voting solutions and equipment are set out in the RIA for the Conduct Order.

61. The same accessible voting solutions and equipment used for the Senedd and reserved elections will be able to be used for local government elections in 2027. As such, for the purposes of this RIA, these costs can be categorised as 'sunk costs', as they will likely have already occurred. Therefore, there is no additional cost to local authorities in relation to the accessibility duty.

62. As set out above, the cost of running local government elections falls to local authorities. The Welsh Government will make further funding available for different or alternative accessibility solutions if required.

Benefits

63. It is considered that the provisions included in the Amendment Rules would go some way to further ensuring that people with a wider range of impairments are supported in polling stations, thereby improving accessibility in voting and protecting that fundamental democratic right.

64. The rules allow for a greater degree of flexibility by not specifying equipment and measures, thereby ensuring the changes will cover emerging and improved technology and solutions. Including provision for the Electoral

Commission to provide guidance will also ensure that the guidance can be consulted upon and updated as necessary.

65. These steps also compliment changes introduced by the Elections and Elected Bodies (Wales) Act 2024 which require the Electoral Commission to report, within their reports on Senedd and Local Government elections, on the steps taken by Returning Officers at elections to assist disabled people.

66. An advantage of the proposed approach is that equipment already purchased for reserved elections and Senedd elections can be used to support disabled voters in local government elections and vice versa.

Preferred Option

67. Option 2 would deliver a broad range of benefits as set out above and is considered essential in order to give effect to consistency across elections in Wales, and to improve accessibility provisions for voters.

Other impacts

68. A full Integrated Impact Assessment was carried out on the impact of the Amendment Rules, and associated Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026.

69. Section 1 and section 8 of the Welsh Government's Integrated Impact Assessment for the Amendment Rules are available on the Welsh Government website.

Competition Assessment

70. The provisions within the Amendment Rules will not affect business, or charities and/or the voluntary sector in ways that raise issues related to competition. The competition filter has not been applied. The provisions in the Amendment Rules are not expected to have any impact on competition or place any restrictions on new or existing suppliers. The majority of the costs associated with the legislation are expected to fall on public bodies, who already meet these costs. The legislation is not expected to have any negative impact on small and medium sized enterprises (SMEs) in Wales.