

Explanatory Memorandum to The Representation of the People (Absent Voting and Miscellaneous Amendments) (Wales) Regulations 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 Representation of the People (Absent Voting and Miscellaneous Amendments) (Wales) Regulations 2026. I am satisfied that the benefits justify the likely costs.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government
24 February 2026

PART 1

Description

1. The Representation of the People (Absent Voting and Miscellaneous Amendments) (Wales) Regulations 2026 (“the Regulations”) make provision to allow voters to apply online, via Online Absent Voting Application (“OAVA”) system that operates for UK Parliamentary elections in Wales, for postal and proxy votes for Senedd elections and local government elections in Wales from 3 November 2026, and will enable a combined online application system for voters in Wales for all elections. This includes the introduction of a requirement to provide a national insurance number (or alternative supporting documentation) to apply for an absent vote, the verification of information provided in such applications (whether submitted online or not) and a three-year reapplication window for postal votes.
2. These Regulations set out the arrangements and detail relating to the delivery of extending the OAVA system to Welsh elections. This includes the system’s operation, processes undertaken by Registration Officers for voter identification and the transitional arrangements for its implementation.
3. These Regulations also make a number of miscellaneous minor and technical amendments to the Senedd Cymru (Representation of the People) Order 2025 (“2025 Order”).

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

4. The Legislation, Justice and Constitution Committee have previously considered the Legislative Consent Memorandum for the UK Parliamentary Absent Voting (Elections in Scotland and Wales) Act 2025 (“2025 Act”) which extended regulation making powers to both Welsh and Scottish Ministers. Legislative consent to the relevant provisions in the 2025 Act was given by the Senedd on 16 September 2025.
5. In accordance with section 53(10A) of the Representation of the People Act 1983 (“RPA 1983”) and section 13B(5) of the Government of Wales Act 2006 (“GoWA”), the Welsh Ministers have obtained the agreement of a Minister of the Crown to the making of the relevant provisions in the Regulations.
6. Sections 39 and 40 of the Legislation (Wales) Act 2019 are being relied on to make the Welsh Statutory Instrument (WSI) in the form of regulations and to make the WSI under the Senedd approval procedure (see paragraphs 14 and 15 below for further details). All the provisions being made in the Regulations are very closely related and work together. Therefore, for reasons of clarity and accessibility it is considered appropriate to make all the provisions together in one statutory instrument.

Legislative background

7. The UK Government introduced the OAVA system in 2023, allowing voters in Wales to apply online for absent votes in UK Parliamentary and Police and Crime Commissioner elections. However, because the Senedd did not consent to relevant provisions in the Elections Act 2022, applications for Senedd and Welsh local elections were required to continue to be made through paper forms only. This has created a divergence in application routes for different types of elections, increasing processing difficulties and voter confusion.
8. The 2025 Act extended powers to Welsh and Scottish Ministers so that secondary legislation can be made to allow access to OAVA for Senedd and Scottish parliamentary elections and local government elections in Wales and Scotland.
9. The provision made by the 2025 Act was needed because the UK's digital service, used for voter registrations, and via which absent voting applications will be submitted under the Regulations, is a reserved matter under GoWA.
10. The 2025 Act also introduced a new three-year maximum period for ongoing applications to vote by post at local government elections in Wales, replacing the previous arrangement which allowed postal voting to be maintained indefinitely, provided a new signature was submitted every five years. These provisions will take effect on 3 November 2026; the same date voters will gain access to OAVA for Senedd elections and local government elections in Wales.
11. The Regulations are made in exercise of the powers conferred by:
 - a. sections 53(1)(c), (3) and (9)(b) and 201(3) of, and paragraphs 1(2) and (5A), 3, 5ZB(1), (2) and (5), 5A(1), (3) and (4) and 13(2) of Schedule 2 to, the RPA 1983;
 - b. paragraphs 3(1)(b) and (2)(c), 4(1)(b) and (2)(c), 6(7) to (9) and 7B of Schedule 4 to the Representation of the People Act 2000 ("RPA 2000"); and
 - c. sections 13(1)(a), (2)(a) and (4), 13B(1) and (2) and 157(2)(c) of GoWA.
12. The relevant functions of the Secretary of State under the RPA 1983 and the RPA 2000 were transferred, in relation to Wales, to the Welsh Ministers by article 45 of, and paragraphs 1 and 2 of Schedule 1 to, the Welsh Ministers (Transfer of Functions) Order 2018.
13. The Regulations amend the Representation of the People (England and Wales) Regulations 2001, which apply where an absent vote is being sought or has been sought in respect of local government elections in Wales and the 2025 Order, which applies where an absent vote is being sought or has been sought in respect of Senedd elections.
14. Section 13(1) of GoWA gives the Welsh Ministers an order making power. Section 13B(1) of GoWA and section 53(1) of the RPA 1983 give the Welsh Ministers regulation making powers. Section 39 of the Legislation (Wales) Act

2019 provides that where the Welsh Ministers have a power or duty to make subordinate legislation in the form of regulations, rules or an order made by statutory instrument, they may exercise the power or duty by making the subordinate legislation in any other of those forms by statutory instrument.

15. The Regulations are being made under the Senedd approval procedure. Section 53(10) of the RPA 1983 provides that the Senedd annulment procedure will apply to Regulations made under section 53(9) of the RPA 1983. Sections 201(2) of the RPA 1983 provides that the Senedd approval procedure will apply to other regulations made under section 53 of the RPA 1983. Sections 13(7), 13B(7) of GoWA provide that the Senedd approval procedure will apply to regulations made under sections 13 and 13B of GoWA. Under section 40 of the Legislation (Wales) Act 2019, provision subject to the negative procedure may be combined in the same instrument as provision subject to the draft affirmative procedure. As a result, the Senedd approval procedure applies to the Regulations.

Purpose and intended effect of the legislation

16. The purpose of this legislation is to introduce the OAVA system for Senedd and local government elections in Wales. This will allow voters to make a single application for all the elections they qualify for, either by post or online.
17. The Regulations also remove the requirement to provide a refreshed signature every five-years for Senedd elections and instead introduce a maximum period of three years for postal vote applications, at which point voters will be invited to reapply. At the point of application, the postal vote entitlement expiry date will be set at the third “31 January” after the date of application. For existing postal voters, the expiry date will be calculated from when the Regulations come into force. The Regulations also implement the new three-year maximum period for which applications to vote by post at local government elections in Wales can be granted as set out in the 2025 Act. Proxy voters will continue to operate on the five-year signature renewal schedule.
18. Applicants will be notified of their expiry date at the point of application as well as receiving the invitation to reapply at the end of the period. There will be no change to applications made for a specified date or period less than three years. The same criteria will apply to voters acting as a proxy who would like to vote by post.
19. Applications for a postal proxy are not currently handled through the OAVA system. Registration Officers process applications separately. A future change to permit processing of postal proxy votes through the OAVA system is under discussion with the UK Government.
20. To ensure that online applications are protected from any form of large scale fraud, the Regulations also introduce a requirement for absent vote applicants to provide either a National Insurance Number or a reason why one cannot be provided. This change also applies to paper-based applications. This will help

Registration Officers verify the applicant's identity through the UK digital service.

21. Where it is not possible for the applicant's identity to be verified the Registration Officer may request further information from the applicant. This would be in the form of other identification documents. If the Returning Officer is still unable to verify the applicant's identity the regulations provide for an attestation process.
22. Changes have also been made to clarify the use of electronic signatures and notices across the absent voting process. The updated rules provide direction for cases where defects in the digital service, such as outages or failures, might impact application deadlines. To ensure that voters will not be disenfranchised due to a technical error, the regulations specify that should technical difficulties or service interruptions prevent the timely processing of an application, voters are permitted to apply for a proxy vote up until 5p.m. on polling day.
23. Transitional arrangements have been established for voters who already hold postal or proxy voting rights prior to 3 November 2026.
24. Where an absent voting application for Senedd elections or local government elections in Wales is made before, but not determined by 3 November 2026, it is treated as not having been made, with information on how to make a fresh voting application to be provided.
25. As the new maximum entitlement period comes into force, these arrangements specify how long current rights will remain active and identify circumstances that require notification about the expiry of entitlements and procedures for reapplying.
26. The Senedd and local government record and the UK Parliament record for any absent voter must match when access to OAVA for Senedd elections and local government elections in Wales is allowed on 3 November 2026. The record must then continue to match in future if both records are to remain on the OAVA system at the same time.
27. Special measures address discrepancies in voter records, such as differences in addresses, signatures, or proxy details. Where inconsistencies exist between devolved and reserved voting entitlements, the affected entitlements may be terminated unless records are brought into alignment or new applications are submitted and approved. Registration officers are required, wherever feasible, to inform voters in advance of such discrepancies, explain the need for consistency, and guide them through the necessary steps to maintain their voting rights by making a fresh absent vote application to fix the discrepancy. If a fresh application is not made before the 3 November 2026 and the discrepancy remains the Senedd and local government absent vote arrangement will be brought to an end. Given the last elections for Police and Crime Commissioners and Members of the UK Parliament were held in 2024,

voters' records will be more up-to-date with respect of reserved elections in the main.

28. The overall impact is summarised below, with the term "devolved" being used for Senedd and Welsh local government elections:

- a) If an individual has appointed the same designated proxy for both devolved elections and UK Parliament elections, the updated signature refresh date for the proxy will align with that of the UK Parliament proxy vote.
- b) If an individual possesses both devolved and UK Parliament postal vote entitlements, and their respective postal voting addresses on record do not correspond, the devolved postal vote entitlement will end on the 3 November 2026. The discrepancy may be resolved if the voter submits a new application to update and align the recorded addresses prior to that date.
- c) If an individual possesses both devolved and UK Parliament postal vote entitlements with differing signatures on record, the signature associated with their UK Parliament postal vote will be used.
- d) If an individual possesses both devolved and UK Parliament absent vote entitlements, and a signature waiver applies to only one entitlement, the devolved entitlement will cease on the 3 November 2026. The discrepancy may be resolved if the voter submits a new application to address the discrepancy prior to that date.
- e) If an individual holds both devolved and UK Parliament proxy vote entitlements, and the proxy names or addresses on the appointment records differ, the devolved proxy vote entitlement will cease on the 3 November 2026. The discrepancy may be resolved if the voter submits a new application to address the discrepancy prior to that date.
- f) If an individual holds both a devolved postal vote entitlement and a UK Parliament proxy vote entitlement the devolved postal vote entitlement will cease on the 3 November 2026. The discrepancy may be resolved if the voter submits a new application to address the discrepancy prior to that date.
- g) If an individual holds both a devolved proxy vote entitlement and a UK Parliament postal vote entitlement the devolved proxy vote entitlement will cease on the 3 November 2026. The discrepancy may be resolved if the voter submits a new application to address the discrepancy prior to that date.
- h) If an individual holds both a devolved proxy postal vote entitlement and a UK Parliament proxy postal vote entitlement for the same elector, the devolved proxy postal vote entitlement will cease on the 3 November 2026. The Registration Officer will notify the individual and provide guidance on how to reapply.

29. In addition to changes specific to postal and proxy voting, several miscellaneous amendments have been made to improve the administration of Senedd elections.
30. The revised rules clarify the timeline for settling election expenses, stipulating that payments must be made within 28 days after the date of the announcement of the election results.
31. Further, provision concerning the replacement of spoilt postal ballot papers has been amended, specifying that returning officers are not required to issue replacements for documents received after 5:00p.m. on polling day.
32. Minor amendments have also been made to the Senedd election rules and to donation reporting requirements: donations below £500 to individual candidates are now disregarded for official reporting purposes, while donations from permissible donors only need to be reported if they exceed £500. These limits now align with the rule that that donations of under £500 can be disregarded and not treated as relevant donations.

Consultation

Duty to consult

33. In accordance with section 7(1) and (2)(e) and (f) of the Political Parties, Elections and Referendums Act 2000, before making regulations under the RPA 1983 in relation to which section 201(2) of the RPA 1983 Act has effect or an order under section 13 of GoWA, the Welsh Ministers are required to consult with the Electoral Commission (“EC”).

Formal consultation

34. While these Regulations have not been subject to a full public consultation, the policy proposals and provisions around introducing OAVA for Senedd and local government elections in Wales were formally consulted on via the Consultation on the Electoral Administration and Reform White Paper.
35. The wider policy around the implementation of the OAVA system has also been the subject of a UK wide consultation for the Elections Act 2022. Further to this, a public consultation on the extension of the system to Wales and Scotland was held in November 2024 to January 2025, in relation to a proposed Legislative Reform Order to allow applications for postal and proxy voting arrangements for Senedd elections and local government elections in Wales to be made online, and received positive responses.
36. A short technical consultation on the Regulations was undertaken with the EC from 18 December to 20 January. The EC were, overall, supportive of the introduction of the OAVA system for Welsh elections but requested clarifications on some points. They suggested a later implementation time may

be preferable to ensure proper guidance was available, this was taken into account when selecting the 3 November 2026 implementation date. The Regulations have been updated to reflect the EC's comments and suggestions and further coordination on the system implementation will be ongoing.

37. The Information Commissioner was also consulted on changes relevant to the processing of personal data, as required under Article 36(4) and Recital 96 of the UK General Data Protection Regulation.

Informal consultation

38. The Welsh Government has also consulted with the UK and Scottish Governments and, alongside the Scottish Government, has been working closely with Electoral Administrators, the Association of Electoral Administrators and the EC across Wales and Scotland during the development of the Regulations.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Costs and benefits

39. Three options are presented for comparison:
- a. Maintaining the status quo.
 - b. Implementing OAVA using the UK Digital Service.
 - c. Implementing OAVA using a Wales-only digital service.

Costs – Status quo

40. When regulations under the Elections Act 2022 introduced the OAVA system for UK Parliamentary and Police Crime Commissioner elections in Wales it created a separation in a voter's absent vote record. Previously a single absent vote record was held for each voter which applied to any election the voter was eligible for. With the introduction of an online application pathway and ID verification that would only apply to some elections, Registration Officers were then required to maintain separate devolved and reserved records for each elector.
41. The current divergence in applications processes and the maintaining of separate absent records creates a significant administrative burden for Registration Officers. Electoral teams across Wales have taken different approaches to handling the divergence, some ask voters to apply to each type of election separately while others send a combined form that will cover a voter for all eligible elections.
42. In either case this is a significant duplication of effort for Registration Officers as they are either processing two separate applications or processing the same application twice through different processes. This duplication is then repeated every three years when a voter is required to reapply.
43. In addition to the administrative burden there is significant risk of confusion with the public. Registration Officers have reported that many members of the public find it difficult to understand that there are two separate processes, why they must apply twice and the differences between the elections they are applying for. This does not meet our principles of electoral reform of simplicity, accessibility and improving citizen experience.
44. The confusion over the existing divergence increases the chances that a voter may not have the absent voting arrangement they expect to have in advance of an election. Increasing the chance that they miss their opportunity to vote in that election.
45. Electoral Management Systems (“EMS”) providers have also highlighted the growing costs in maintaining these separate absent vote records and that these costs would need to be passed down to their Local Authority customers in the long term.

Benefits – Status quo

46. Making no changes would avoid any of the immediate costs or disruption that would occur around the implementation of the other options under consideration.

Costs – OAVA Implementation

47. Implementing the introduction of the OAVA system for Senedd and Welsh Local Government elections will require the reintegration of these absent voting records, so each voter will return to having a single absent voting record. This will require the EMS to develop a system to data match the difference between the records, identify them to Registration Officers and create a mechanism to reintegrate them upon the introduction of the system.
48. Three EMS suppliers operate within Wales and would all need to undertake the same changes. The same modifications are also being undertaken within in Scotland, as such these costs have been shared with the Scottish Government. This will result in a one-off cost which is estimated to be in the region of £1 million for each Government.
49. This integration work will also require Registration Officers to use the data matching functionality to correct and update voter records ahead of the implementation date. The first phase will require Registration Officers to correct minor data errors and inconsistencies such as minor difference in address representations (such as “road” or “rd”). The second phase will take place in the weeks ahead of the implementation date and will involve Registration Officers contacting voters with records that contain different absent vote types or preferences. These voters will be asked to reapply to update their records ahead of the implementation date.
50. If they are unable to do so, the Registration Officer will need to contact them again to inform them that their absent vote record has been changed or removed and will recommend that they reapply to update their preferences. Extrapolating on current estimates we expect there to be under 1,000 voters across Wales with data errors or inconsistencies that will need to be corrected by Registration Officers and a smaller proportion of those voters will need to be contacted. Including potential reminder and update letters, we would expect the overall postal costs to Welsh Local Authorities be in the region of £5,000, which would be reimbursed by the Welsh Government as appropriate.
51. Election teams across each Local Authority work differently and there will be variations in how many voters each team will need to contact. In the run up to the implementation date Registration Officers would need to take time to process outgoing letters from the EMS’, respond to queries and process incoming applications. During the implementation process Registration Officers may need to handle errors in the data or integration process.

Benefits – OAVA Implementation

52. There is a strong appetite for the ability to apply for an absent vote online. Between October 2023 and January 2026, the monthly average for online applications compared to paper forms in the UK was 61%. Ahead of the UK General Election the ration of online applications rose to 90% (May 2024). Applying online gives voters immediate confirmation that their application has been received and reduces postal costs. In addition, the Local Authorities save time and money replying to requests for postal vote applications.
53. As previously outlined, Registration Officers are currently required to process each absent vote application twice. Between August 2025 and January 2026 over 100,000 postal vote applications were made in Wales, processing each of these applications twice represents a significant administrative burden for electoral teams. The duplication in processes also increases the risks of data discrepancies. Introducing the current OAVA system to Senedd and Local Government elections in Wales will mean Registration Officers will only need to process each application once.
54. In addition to the administrative burden there is significant risk of confusion with the public. Registration Officers have reported that many members of the public find it difficult to understand that there are two separate processes, why they must apply twice and the differences between the elections they are applying for.
55. The confusion over the existing divergence increases the chances that a voter may not have the absent voting arrangement they expect to have in advance of an election. Increasing the chance that they miss their opportunity to vote in that election.
56. A single application process across all Welsh elections would also greatly simplify the application process for the public. Members of the public will be able to apply for all their applicable elections in a single application. In addition, this would remove the confusion of voters having different voting procedures for different elections, avoiding the possibility that such confusion may result in a voter being unable to vote in any given election due to them not holding the arrangement they had expected.

Costs – A Welsh Only system

57. A separate online application system would need to be developed. While it could not have the same functionality as the UK-system it would need to, at a minimum, be able to process all Welsh absent vote applications, provide a method of ID verification and an attestation process. The current UK system is able to access data from the Department of Work and Pensions (“DWP”), it is likely that a Wales only system would only be able to rely on local data matching. The initial software and system development costs, based on similar systems, would be expected to be in excess of £6M. This would not include

additional costs such as Civil Service costs, infrastructure and additional costs incurred by Local Authorities.

58. Developing a Welsh only system would still incur similar costs for changes to the EMS providers as introducing the existing OAVA system. However, in this instance the costs would not be shared with the Scottish Government, so the estimated one-off cost for making the changes within the EMS' would be in the region of £2million.
59. This option would also require introductory training on the new system and processes required for Local Authority staff.
60. In addition to these extra costs developing a separate system would not alleviate many of the issues raised above for the "status quo" option. Registration Officers would still need to process two separate applications for each voter and voters would still be confused by the different processes for different elections.

Benefits – A Welsh Only system

61. A separate system for Wales would provide the same benefit for voters in terms of ease of access, confidence that their application has been received and savings on postage. Local Authorities may also see a reduction in postal costs due to fewer requests for paper applications.
62. A separate system may also be more flexible in regard to Welsh specific issues or any future changes that may be required.

7. Competition Assessment

63. A competition assessment is not applicable under these circumstances.

8. Post implementation review

64. The existing OAVA system incorporates a comprehensive public facing performance dashboard. This will allow the performance of the system to be monitored regularly. The Welsh Government will also continue to work with Registration Officers, the Association of Electoral Administrators and the Electoral Commission to ensure the system operates as intended.