



Government of Wales Act 1998

1998 CHAPTER 38

PART I

THE NATIONAL ASSEMBLY FOR WALES

Ordinary elections

3 Time of ordinary elections

- (1) The poll at the first ordinary election shall be held on a day appointed by order made by the Secretary of State.
- (2) The poll at each subsequent ordinary election shall be held on the first Thursday in May in the fourth calendar year following that in which the previous ordinary election was held.
- (3) But the Secretary of State may by order require the poll at such an ordinary election to be held on a day which is neither—
 - (a) more than one month earlier, nor
 - (b) more than one month later,than the first Thursday in May.
- (4) Where the poll at an ordinary election would be held on the same day as polls at ordinary elections of community councillors, the Secretary of State may by order provide for the polls at ordinary elections of community councillors to be postponed, for not more than three months, to a day specified in the order.
- (5) An order under subsection (4) may make provision for—
 - (a) any provision of, or made under, the Representation of the People Acts, or
 - (b) any other enactment relating to elections of community councillors,to have effect with such modifications or exceptions as the Secretary of State considers appropriate in connection with the postponement of polls for which it provides.

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- (6) No order shall be made under subsection (3), and no order in connection with an ordinary election subsequent to the first shall be made under subsection (4), unless the Secretary of State has consulted the Assembly.

4 Voting at ordinary elections

- (1) Each person entitled to vote at an ordinary election in an Assembly constituency shall have two votes.
- (2) One (referred to in this Act as a constituency vote) is to be given for a candidate to be the Assembly member for the Assembly constituency.
- (3) The other (referred to in this Act as an electoral region vote) is to be given for—
- (a) a registered political party which has submitted a list of candidates to be Assembly members for the Assembly electoral region in which the Assembly constituency is included, or
 - (b) an individual who is a candidate to be an Assembly member for that Assembly electoral region.
- (4) The Assembly member for the Assembly constituency shall be returned under the simple majority system.
- (5) The Assembly members for the Assembly electoral region shall be returned under the additional member system of proportional representation in accordance with sections 5 to 7.
- (6) The person who is to be returned as the Assembly member for each Assembly constituency in the Assembly electoral region must be determined before it is determined who are to be returned as the Assembly members for that Assembly electoral region.
- (7) At an ordinary election a person may not be a candidate to be the Assembly member for more than one Assembly constituency.
- (8) In this Act “registered political party” means a party registered under any enactment providing for the registration of political parties.

5 Party lists and individual candidates

- (1) Any registered political party may submit a list of candidates to be Assembly members for the Assembly electoral region.
- (2) The list is to be submitted to the regional returning officer.
- (3) The list has effect in relation to—
- (a) the ordinary election, and
 - (b) any vacancies in seats of Assembly members returned for Assembly electoral regions which occur after that election and before the next ordinary election.
- (4) The list must not include more than twelve persons (but may include only one).
- (5) The list must not include a person—
- (a) who is included on any other list submitted for the Assembly electoral region or any list submitted for another Assembly electoral region,

- (b) who is an individual candidate to be an Assembly member for the Assembly electoral region or another Assembly electoral region,
 - (c) who is a candidate to be the Assembly member for an Assembly constituency which is not included in the Assembly electoral region, or
 - (d) who is a candidate to be the Assembly member for an Assembly constituency included in the Assembly electoral region but is not a candidate of the party.
- (6) A person may not be an individual candidate to be an Assembly member for the Assembly electoral region if he is—
- (a) included on a list submitted by a registered political party for the Assembly electoral region or another Assembly electoral region,
 - (b) an individual candidate to be an Assembly member for another Assembly electoral region,
 - (c) a candidate to be the Assembly member for an Assembly constituency which is not included in the Assembly electoral region, or
 - (d) a candidate of any registered political party to be the Assembly member for an Assembly constituency included in the Assembly electoral region.

6 Calculation of electoral region figures

- (1) For each registered political party by which a list of candidates has been submitted for the Assembly electoral region—
- (a) there shall be added together the number of electoral region votes given for the party in the Assembly constituencies included in the Assembly electoral region, and
 - (b) the number arrived at under paragraph (a) shall then be divided by the aggregate of one and the number of candidates of the party returned as Assembly members for any of those Assembly constituencies.
- (2) For each individual candidate to be an Assembly member for the Assembly electoral region there shall be added together the number of electoral region votes given for him in the Assembly constituencies included in the Assembly electoral region.
- (3) The number arrived at—
- (a) in the case of a registered political party, under subsection (1)(b), or
 - (b) in the case of an individual candidate, under subsection (2),
- is referred to in this Act as the electoral region figure for that party or individual candidate.

7 Return of electoral region members

- (1) The first seat for the Assembly electoral region shall be allocated to the party or individual candidate with the highest electoral region figure.
- (2) The second and subsequent seats for the Assembly electoral region shall be allocated to the party or individual candidate with the highest electoral region figure after any recalculation required by subsection (3) has been carried out.
- (3) This subsection requires a recalculation under section 6(1)(b) in relation to a party—
- (a) for the first application of subsection (2), if the application of subsection (1) resulted in the allocation of a seat to the party, or

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- (b) for any subsequent application of subsection (2), if the previous application of that subsection did so;
and a recalculation shall be carried out after adding one to the aggregate mentioned in section 6(1)(b).
- (4) An individual candidate already returned as an Assembly member shall be disregarded.
- (5) Seats for the Assembly electoral region which are allocated to a party shall be filled by the persons on the party's list in the order in which they appear on the list.
- (6) Once a party's list has been exhausted (by the return of persons included on it as Assembly members for Assembly constituencies or by the previous application of subsection (1) or (2)) the party shall be disregarded.
- (7) If (on the application of subsection (1) or any application of subsection (2)) the highest electoral region figure is the electoral region figure of two or more parties or individual candidates, the subsection shall apply to each of them.
- (8) However, where subsection (7) would mean that more than the full number of seats for the Assembly electoral region were allocated, subsection (1) or (2) shall not apply until—
- (a) a recalculation has been carried out under section 6(1)(b) after adding one to the number of votes given for each party with that electoral region figure, and
 - (b) one has been added to the number of votes given for each individual candidate with that electoral region figure.
- (9) If, after that, the highest electoral region figure is still the electoral region figure of two or more parties or individual candidates, the regional returning officer shall decide between them by lots.
- (10) For the purposes of subsection (5) and section 9 a person included on a list submitted by a registered political party who is returned as an Assembly member shall be treated as ceasing to be on the list (even if his return is void).