

# GOVERNMENT OF WALES ACT 2006

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS AND SCHEDULES

#### *The Franchise and conduct of elections*

##### *Section 12: Entitlement to Vote*

71. This section provides that the persons entitled to vote in any Assembly general or by-election in a constituency are those entitled to vote in a local government election in an electoral area included in the constituency. Electors may not cast more than one constituency vote or more than one regional vote at a general election or more than one vote at a by-election.

##### *Section 13: Power to make provision about elections etc*

72. This section empowers the Secretary of State to make provision by secondary legislation in relation to Assembly elections. This includes provision:
- a) about the registration of electors;
  - b) for disregarding alterations in registers of electors;
  - c) about limitations on election expenses;
  - d) to allow Assembly elections and other elections, such as local government elections, to be held on the same day; and
  - e) to allow sections 6 and 8(2) of the Act to operate differently if an election for an Assembly constituency member at a general election is abandoned.
73. The need to be able to modify the effect of the Act where an election in a particular constituency is abandoned (for example because of the death of a candidate) arises because normally no regional members can be elected until all constituency seats in the region have been filled.
74. Subsection (6) provides that the only method by which the return of an Assembly Member may be challenged (for example, on the ground that the election was not conducted lawfully) is by election petition under Part 3 of the Representation of the People Act 1983 as applied or incorporated by an Order under this section.
75. The Secretary of State must lay a draft of an Order under this section before each House of Parliament and may not make the Order unless approved by resolution of each House.