

## **Government Response: The Candidate Election Expenses (Senedd Elections) Code of Practice 2021.**

### Scrutiny under Standing Orders 21.7

A Government response has been invited in respect of the two points raised in the report. The responses are noted below.

1. The rules on donations falls outside the scope of the Code and so as not to suggest to the reader that such donations did fall within scope, it was felt prudent not to provide detail of the rules on donations in the Code. It was felt that the reference to the rules on donations at paragraph 1.20 was sufficient to advise the reader that such donations are a consideration also but to provide further detail would infer that it was within the scope of the Code. There is no proposal to amend the Code.

We have raised your comment with the Electoral Commission who drafted the Code and have been advised that there is guidance on rules on donations available on the Electoral Commission website and when the Code of Practice is published, there will be a marker for the guidance on donations.

2. We have liaised with the Electoral Commission in respect of the fact that the Code does not make reference to the offence of corrupt practice relating to a constituency candidate or their agent under article 53(5) of the 2007 Order. The Code does make reference to the offence of corrupt practice relating to candidates on a regional list under article 54(3). It is accepted that reference to both articles could have been made in the Code but the absence of the offence under article 53(5) does not undermine the Code and reference to an offence of corrupt practice is made in the Code.

The absence to the reference in the Code does not diminish the fact that the offence is in the legislation, and it is referenced in the Commission's Guidance. The Code itself is intended to be read alongside the wider Guidance published by the Commission. The legislative reference to the offence will be made when the Code is next updated but at this time it will be referenced elsewhere on the Electoral Commission's website.