

Agenda – Y Pwyllgor Biliau Diwygio

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Ystafell Bwyllgora 1, Y Senedd	Helen Finlayson
Dyddiad: Dydd Mercher, 22 Tachwedd 2023	Clerc y Pwyllgor 0300 200 6565
Amser: 09.30	SeneddDiwygio@senedd.cymru

Rhag-gyfarfod preifat (09.15–09.30)

1 Cyflwyniadau, ymddiheuriadau, dirprwyon a datgan buddiannau (09.30)

2 Bil Senedd Cymru (Aelodau ac Etholiadau): Sesiwn dystiolaeth gyda'r Comisiwn Etholiadol

(09.30–10.30)

(Tudalennau 1 – 15)

Y Fonesig Elan Closs Stephens, Comisiynydd Etholiadol, Cymru

Rhydian Thomas, Pennaeth y Comisiwn Etholiadol yng Nghymru

Tom Davies, Uwch Gyngorydd Polisi, Y Comisiwn Etholiadol, Cymru

Dogfennau ategol

Papur 1 Tystiolaeth ysgrifenedig: Y Comisiwn Etholiadol

Briff Ymchwil

Egwyl (10.30–10.45)

3 Bil Senedd Cymru (Aelodau ac Etholiadau): Sesiwn dystiolaeth gyda Chomisiwn Ffiniau a Democratiaeth Leol Cymru

(10.45 – 11.45)

(Tudalennau 16 – 51)

Bev Smith, Cadeirydd, Comisiwn Ffiniau a Democratiaeth Leol Cymru

Shereen Williams, Prif Weithredwr Comisiwn Ffiniau a Democratiaeth Leol
Cymru



Dogfennau ategol

Papur 2 Tystiolaeth ysgrifenedig: Comisiwn Ffiniau a Democratiaeth Leol
Cymru [Saesneg yn unig]
Briff Ymchwil

4 Papurau i'w nodi

(11.45)

4.1 Gwybodaeth ychwanegol a ddarparwyd gan Gymdeithas Diwygio Etholiadol Cymru yn dilyn y sesiwn dystiolaeth ar 9 Tachwedd 2023 [Saesneg yn unig]

(Tudalennau 52 – 73)

4.2 Llythyr at y gyn-Gadeirydd y Pwyllgor ar Ddiwygio Etholiadol y Senedd ynghylch Bil Senedd Cymru (Aelodau ac Etholiadau) – 16 Tachwedd 2023

(Tudalennau 74 – 75)

4.3 Llythyr at y Pwyllgor Llywodraeth Leol a Thai ynghylch Bil Senedd Cymru (Aelodau ac Etholiadau) – 16 Tachwedd 2023

(Tudalennau 76 – 77)

5 Cynnig o dan Reol Sefydlog 17.42 (ix) i benderfynu gwahardd y cyhoedd o weddill y cyfarfod

(11.45)

6 Bil Senedd Cymru (Aelodau ac Etholiadau): Trafod y dystiolaeth

(11.45–11.55)

- 7 Bil Senedd Cymru (Aelodau ac Etholiadau): Sesiwn friffio dechnegol**
(11.55 – 12.00) (Tudalennau 78 – 84)
Dogfen ategol
Papur 3 Briff cefndir ychwanegol
- 8 Bil Senedd Cymru (Aelodau ac Etholiadau): Grŵp ffocws Senedd Ieuenctid Cymru – Nodyn drafft**
(12.00–12.05) (Tudalennau 85 – 88)
Dogfen ategol
Papur 4 Nodyn drafft [Saesneg yn unig]
- 9 Blaenraglen Waith**
(12.05 – 12.15) (Tudalennau 89 – 97)
Dogfen ategol
Papur 5 – Blaenraglen Waith

Eitem 2

Bil Diwygio Ymgynghoriad y Pwyllgor ar Fil Senedd Cymru (Aelodau ac Etholiadau) – ymateb y Comisiwn Etholiadol

Tachwedd 2023

Rhagarweiniad

Y Comisiwn Etholiadol yw'r corff annibynnol sy'n goruchwyllo etholiadau ac yn rheoleiddio cyllid gwleidyddol yn y DU. Rydym yn gweithio i hyrwyddo hyder y cyhoedd yn y broses ddemocrataidd a sicrhau ei huniondeb trwy'r canlynol:

- galluogi cyflawni etholiadau a refferenda rhydd a theg, canolbwyntio ar anghenion etholwyr, a mynd i'r afael ag amgylchedd sy'n newid i sicrhau bod pob pleidlais yn parhau i fod yn ddiogel ac yn hygyrch.
- rheoleiddio cyllid gwleidyddol - cymryd camau rhagweithiol i gynyddu tryloywder, sicrhau cydymffurfiaeth, a mynd ar ôl achosion o dorri rheolau
- defnyddio ein harbenigedd i wneud newidiadau i'n democratiaeth ac eirioli drostynt, gan geisio gwella tegwch, tryloywder ac effeithiolrwydd

Sefydlwyd y Comisiwn Etholiadol yn 2000 ac mae'n adrodd yn uniongyrchol i Senedd Cymru, Senedd yr Alban, a Senedd y DU.

Trosolwg o'r ymateb

Mae'r ymateb hwn yn nodi ein barn ar Fil Senedd Cymru (Aelodau ac Etholiadau). Rydym wedi ymateb i'r darpariaethau sy'n uniongyrchol berthnasol i'n gwaith – mae rhai agweddau nad ydynt yn dod o fewn ein cylch gorchwyl, a lle mae hyn yn wir, nid ydym wedi gwneud sylwadau.

Rydym wedi ymrwmo i weithio gyda Llywodraeth Cymru, Comisiwn y Senedd a'r gymuned etholiadol yng Nghymru i sicrhau bod y diwygiadau hyn yn cael eu cyflawni'n llwyddiannus cyn etholiad 2026. Bydd hyn yn cynnwys cynhyrchu canllawiau ar gyfer gweinyddwyr etholiadol, darparu cymorth i ymgyrchwyr gydymffurfio â'r gyfraith a gorfodi'r gyfraith os nad ydynt, a chynnal ymgyrch ymwybyddiaeth gyhoeddus i sicrhau bod pleidleiswyr yn deall y newidiadau sy'n cael eu cyflwyno ac yn gwybod sut i frw eu pleidlais.

Argymhellwn y dylai'r holl ddeddfwriaeth fod yn ei lle cyn gynted â phosibl - o leiaf chwe mis cyn y mae'n ofynnol i ymgyrchwyr neu weinyddwyr etholiadol gydymffurfio â hi. Mae hon yn egwyddor sefydledig o weinyddu etholiadol effeithiol a gefnogir yn eang gan y gymuned etholiadol. Dylai hyn gynnwys deddfwriaeth sylfaenol ac unrhyw is-ddeddfwriaeth ddilynol – yn enwedig y newidiadau sylweddol i Orchymyn Cynulliad

Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007 y bydd eu hangen cyn yr etholiad. Bydd sicrhau bod yr holl ddeddfwriaeth yn glir cyn gynted â phosibl yn caniatáu digon o amser inni baratoi'r canllawiau a'r codau ymarfer gofynnol, ac i'r gymuned etholiadol gynllunio a pharatoi ar gyfer gweithredu'r system newydd.

Bydd angen i Lywodraeth Cymru hefyd sicrhau bod gweinyddwyr etholiadol yn cael eu cefnogi'n briodol i gyflawni'r diwygiadau hyn, gan gynnwys sicrhau bod unrhyw newidiadau sy'n ofynnol i systemau meddalwedd rheoli etholiadol yn cael eu datblygu a bod adnoddau ar eu cyfer. Mae'n debygol y bydd y Bil hwn yn cael ei roi ar waith ochr yn ochr â gweithredu Bil Etholiadau a Chyrff Etholedig (Cymru), y ddeddfwriaeth ddisgwyliedig i gyflwyno cwotâu rhywedd ymgeiswyr yn etholiadau'r Senedd, a gwaith parhaus i gyflawni darpariaethau Deddf Etholiadau 2022 ar gyfer etholiadau a gedwir yn ôl. Mae llawer o weinyddwyr etholiadol yng Nghymru wedi codi pryderon am eu gallu i gyflawni'r newidiadau aml-haenog hyn o fewn amgylchedd sydd eisoes yn gymhleth, ac mae'n rhaid i Lywodraeth Cymru sicrhau cynllunio a chyfathrebu effeithiol â gweinyddwyr etholiadol drwy gydol y broses, drwy fforymau fel Bwrdd Cydlynu Etholiadol Cymru, Gweithgor Ymarferwyr Etholiadol Cymru ac unrhyw Fwrdd Rheoli Etholiadol yn y dyfodol.

Yn olaf, rhaid i Lywodraeth Cymru gymryd camau i ddiwygio'r fframwaith cyfreithiol cynyddol gymhleth sy'n sail i systemau etholiadol y DU. Roedd [Papur Gwyn 2022 ar Weinyddu a Diwygio Etholiadol](#) yn nodi uchelgais i gyfnerthu a chynyddu hygyrchedd cyfraith etholiadol ddatganoledig yng Nghymru – rhywbeth yr ydym wedi galw amdano'n flaenorol. Mae Llywodraeth Cymru wedi nodi mai'r cam cyntaf tuag at gyflawni hyn fydd datblygu Gorchymyn Ymddygiad mwy modern a hygyrch cyn etholiad 2026, a byddwn yn gweithio i gefnogi'r newidiadau hyn. Dylai ffocws Llywodraeth Cymru wedyn droi at gyfnerthu ehangach y gyfraith etholiadol ddatganoledig.

Rydym wedi nodi rhai sylwadau penodol isod ar gymalau perthnasol y Bil.

Rhan 1: Y Senedd a Gweinidogion Cymru

Amllder etholiadau cyffredinol arferol

Byddai cymal 3 o'r Bil yn dychwelyd amllder arferol etholiadau cyffredinol y Senedd i gylchoedd pedair blynedd. Mae Llywodraeth Cymru wedi nodi bod y darpariaethau hyn wedi'u cynnwys yn sgil diddymu Deddf Seneddau Cyfnod Penodol 2011 yn 2022, a'r ffaith bod tymhorau Senedd wedi'u symud yn wreiddiol i bum mlynedd er mwyn osgoi cynnal etholiad y Senedd ac etholiad cyffredinol seneddol y DU ar yr un diwrnod.

Nid ydym yn llunio barn ar yr hyd tymor priodol ar gyfer cynrychiolwyr etholedig – mater i'r Senedd yw hwn yn y pen draw. Fodd bynnag, hoffem dynnu sylw'r Pwyllgor at bwynt technegol pwysig sy'n deillio o ddychwelyd i dymhorau pedair blynedd y Senedd.

Fel rhan o'i [Phapur Gwyn ar Weinyddu a Diwygio Etholiadol yn 2022](#), gofynnodd Llywodraeth Cymru am farn ynghylch a ddylai prif gynghorau a chynghorau tref a chymuned ddychwelyd i dymhorau pedair blynedd. Nid yw hyn wedi'i gynnwys yn y Bil Etholiadau a Chyrff Etholedig (Cymru) diweddar ac nid yw'n ymddangos yn rhywbeth y mae Llywodraeth Cymru yn bwriadu bwrw ymlaen ag ef ar hyn o bryd.

Os bydd hyd tymhorau'r prif gynghorau a'r cynghorau tref a chymuned yn parhau i fod yn bum mlynedd, byddem yn y pen draw yn cyrraedd sefyllfa yn 2042 lle byddai etholiad y

Senedd ac etholiadau lleol yn cael eu cynnal ar yr un diwrnod. Mae adran 37ZA o Ddeddf Cynrychiolaeth y Bobl 1983 yn atal hyn rhag gallu digwydd, ac o dan yr amgylchiadau hyn byddai'n ofynnol i weinidogion Cymru newid blwyddyn yr etholiadau llywodraeth leol drwy offeryn statudol. Dylai Llywodraeth Cymru ystyried egluro ei safbwynt mewn perthynas â chynnal etholiadau'r Senedd ac etholiadau lleol yn yr un flwyddyn.

Anghymhwysu rhag bod yn Aelod o'r Senedd neu'n ymgeisydd

Byddai cymal 6 yn ychwanegu maen prawf anghymhwysu newydd at Atodlen 1A o Ddeddf Llywodraeth Cymru 2006, sef na fyddai rhywun nad yw wedi'i gofrestru fel etholwr llywodraeth leol mewn cyfeiriad yng Nghymru yn gallu sefyll fel ymgeisydd na gwasanaethu fel Aelod o'r Senedd.

Nid yw'n glir eto sut y byddai gorfodi'r anghymhwysu newydd hwn yn gweithio'n ymarferol, gan gynnwys a fyddai angen i Swyddogion Canlyniadau (Gweithredol) wirio a yw ymgeiswyr wedi cofrestru i bleidleisio ac ymhle, ac ar ba adeg yn y broses y byddai hyn yn digwydd. Pe bai angen gwiriadau, byddai hyn yn wyriad oddi wrth y dull cyfraith gyffredin hir-sefydlog o Swyddogion Canlyniadau yn cymryd ffurflenni enwebu yn ôl eu golwg.

Mae rhagor o gwestiynau ynghylch y gofyniad i Aelodau etholedig o'r Senedd aros ar y gofrestr llywodraeth leol mewn cyfeiriad yng Nghymru er mwyn osgoi dod yn anghymwys. Mae'r rhain yn cynnwys sut y byddai'r maen prawf anghymhwysu parhaus hwn yn cael ei orfodi a phwy fyddai'n gyfrifol am wneud hynny, er ein bod yn disgwyl mai mater i'r Senedd ei hun fyddai monitro a gorfodi hyn.

Byddwn yn gweithio gyda Llywodraeth Cymru wrth i'r Bil fynd drwy'r Senedd i sicrhau bod Swyddogion Canlyniadau yn glir ynghylch beth fydd eu cyfrifoldebau o dan y darpariaethau hyn.

Adolygu trefniadau rhannu swydd posibl

Byddai cymal 7 o'r Bil yn ei gwneud yn ofynnol i'r Llywydd, yn fuan ar ôl i etholiad nesaf y Senedd gael ei gynnal, gyflwyno cynnig i sefydlu pwyllgor Senedd i gynnal adolygiad o'r posibilrwydd o rannu swyddi mewn swyddfeydd perthnasol. Byddai hyn yn cynnwys ystyried a ddylai pobl allu dal swydd ar y cyd fel Aelod o'r Senedd.

Os caiff cynnig a gyflwynir o dan gymal 7 o'r Bil ei gymeradwyo gan y Senedd nesaf, a bod pwyllgor yn cael ei sefydlu i ystyried y materion hyn yn fanylach, byddwn yn darparu tystiolaeth a mewnwelediad yn ôl yr angen i helpu i lywio'r gwaith hwn.

Pe bai'r gyfraith yn cael ei diwygio yn y dyfodol i ganiatáu ymgeiswyr i sefyll etholiad o dan drefniant rhannu swydd, byddai angen diwygio deddfwriaeth yn ymwneud â ffurf papurau enwebu a'r papur pleidleisio. Byddai angen rhoi ystyriaeth hefyd i amrywiaeth o faterion technegol, gan gynnwys sut y byddai hyn yn gweithio ochr yn ochr â'r system rhestr plaid gaeedig a beth fyddai'n digwydd pe bai un aelod etholedig mewn trefniant rhannu swydd yn penderfynu rhoi'r gorau iddi, yn dod yn anghymwys, neu'n ceisio newid plaid.

Rhan 2: System Bleidleisio yn Etholiadau Cyffredinol y Senedd a Dyrannu Seddi

System bleidleisio

Mae penderfyniadau ynghylch pa system bleidleisio y dylid ei defnyddio ar gyfer gwahanol etholiadau yn faterion cyfansoddiadol arwyddocaol, ac yn faterion i lywodraethau a seneddau, nid y Comisiwn Etholiadol. Ein rôl ni fydd sicrhau bod pleidleiswyr yn deall y system etholiadol a ddefnyddir fel y gallant fwrw eu pleidlais yn y ffordd y maent yn bwriadu, a bod y Swyddogion Canlyniadau yn ymgymryd â chynllunio gweinyddol priodol.

Mae cyflwyno unrhyw system etholiadol newydd yn peri risgiau posibl ynghylch dryswch pleidleiswyr, yn enwedig o ran sicrhau bod pobl yn deall sut i fwrw eu pleidlais fel y maent yn bwriadu. Byddai'r system etholiadol a gynigir yn y Bil yn gyfarwydd i'r bobl hynny sydd wedi pleidleisio o'r blaen mewn etholiad ar gyfer Senedd Ewrop yng Nghymru. Fodd bynnag, byddem yn dal i ddisgwyl cynnal ymgyrch ymwybyddiaeth i roi gwybod i bleidleiswyr am y newid i'r system etholiadol, ochr yn ochr â'n hymgyrch arferol i annog pobl yng Nghymru i gofrestru i bleidleisio.

Rhan 4: Adolygiadau o Ffiniau Etholaeth y Senedd

Adolygiadau o ffiniau etholaeth y Senedd

Mae Rhan 4 o'r Bil, ynghyd ag Atodlenni 1 a 2, yn gwneud darpariaeth i Gomisiwn Democratiaeth a Ffiniau Cymru gynnal adolygiadau o ffiniau etholaethau'r Senedd.

Mae Atodlen 1 yn ymdrin â'r ymarfer paru, a elwir yn adolygiad ffiniau 2026, y bydd yn ofynnol i Gomisiwn Ffiniau a Democratiaeth Cymru ei gynnal er mwyn creu 16 o etholaethau'r Senedd gan ddefnyddio 32 o etholaethau seneddol y DU yng Nghymru. Mae'n nodi bod yn rhaid i'r Comisiwn gyhoeddi ei adroddiad terfynol ar adolygiad ffiniau 2026, a'i anfon at Weinidogion Cymru, erbyn 1 Ebrill 2025. Byddai'n ofynnol wedyn i Weinidogion Cymru gyflwyno'r adroddiad gerbron y Senedd a gwneud rheoliadau i roi effaith i'r penderfyniadau yn yr adroddiad cyn gynted ag y bo'n rhesymol ymarferol.

Bydd y darpariaethau hyn yn bwysig i sicrhau bod digon o amser i weinyddwyr etholiadol, pleidiau, ac ymgyrchwyr baratoi ar gyfer yr etholiad gyda sicrwydd ynghylch beth fydd ffiniau'r etholaethau. Pe bai'r rheoliadau sy'n rhoi'r adroddiad terfynol ar waith yn cael eu gohirio tan haf 2025, byddai perygl y byddai hyn yn golygu na fyddai gan weinyddwyr etholiadol a phleidiau gwleidyddol ddigon o amser i gynllunio a pharatoi ar gyfer yr etholiad. Gallai hefyd achosi problemau i Swyddogion Cofrestru Etholiadol o ran cyhoeddi eu cofrestrau etholiadol ym mis Rhagfyr 2025.

Rydym hefyd yn nodi bod Atodlen 2 o'r Bil, sy'n ymdrin â'r broses adolygu ffiniau ar gyfer etholiadau cyffredinol a gynhelir ar ôl 1 Ebrill 2030, yn cynnwys gofyniad i Gomisiwn Democratiaeth a Ffiniau Cymru:

- Ceisio lleihau faint o newid sy'n bodoli i etholaethau'r Senedd ar ddyddiad yr adolygiad, a
- Rhoi sylw i'r anghyfleustra a achosir gan wneud newidiadau i etholaethau'r Senedd.

O ystyried y bydd newidiadau sylweddol eisoes i etholaethau'r Senedd rhwng etholiadau 2021 a 2026, gallai newidiadau pellach rhwng etholiadau 2026 a 2030 beri risg o ddryswch i bleidleiswyr, cymhlethdod i weinyddwyr etholiadol, heriau i bleidiau wrth addasu unedau cyfrifyddu i etholaethau newydd, ac anawsterau i ymgyrchwyr o ran rheoli eu cyfathrebiadau â phleidleiswyr. Dylai'r gofynion uchod helpu i liniaru'r risgiau hyn.

Rhan 5: Adolygu Gweithrediad y Ddeddf ac ati a Darpariaethau Cyffredinol

Byddai cymal 19 o'r Bil yn darparu ar gyfer sefydlu pwyllgor Senedd ar ôl etholiad 2026 er mwyn cynnal adolygiad o'r canlynol:

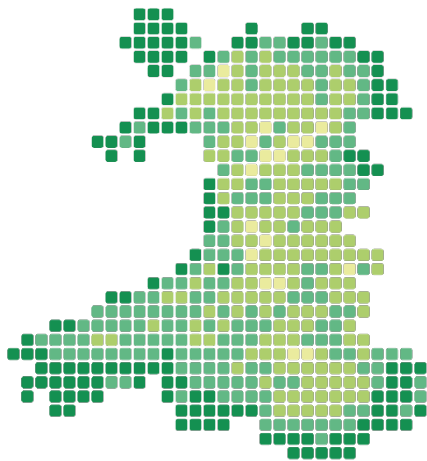
- gweithrediad ac effaith darpariaethau Rhannau 1 a 2 o'r Bil
- i ba raddau y mae elfennau democratiaeth iach yn bresennol yng Nghymru

Bydd yn bwysig monitro gweithrediad y trefniadau newydd hyn i sicrhau eu bod yn gweithio fel y bwriadwyd yn wreiddiol. Mae gennym ddyletswydd statudol i adrodd ar weinyddu etholiadau'r Senedd, a byddwn yn cyhoeddi adroddiad ar ôl yr etholiad yn 2026 fel rhan o'r ddyletswydd hon. Bydd yr adroddiad hwn yn cynnwys tystiolaeth a dadansoddiad o brofiadau pleidleiswyr, ymgyrchwyr a gweinyddwyr etholiadol yn yr etholiad. Byddwn yn defnyddio'r dystiolaeth hon, yn ogystal ag unrhyw fewnwelediadau eraill sydd gennym ar weithredu diwygio'r Senedd, i gefnogi'r gwaith a fydd yn cael ei wneud o dan y darpariaethau hyn.

Mae cyfyngiadau ar y ddogfen hon

Eitem 3

LOCAL DEMOCRACY AND BOUNDARY COMMISSION FOR WALES



Comisiwn Ffiniau a
Democratiaeth Leol
Cymru

Local Democracy and
Boundary Commission
For Wales

SENEDD CYMRU (MEMBERS AND ELECTIONS) BILL
REFORM BILL COMMITTEE – STAGE 1 SCRUTINY
CONSULTATION RESPONSE

3 November 2023

NOVEMBER 2023

FOREWORD

This document sets out the response of the Local Democracy and Boundary Commission for Wales (“**the Commission**”) to the Reform Bill Committee’s consultation in relation to the Senedd Cymru (Members and Elections) Bill introduced to the Welsh Parliament on 18 September 2023 (“**the Senedd Bill**”).

In this document the Commission first responds to specific questions posed to it by the Reform Bill Committee (“**the Committee**”) regarding the likely timetable for the review of Senedd constituencies for the first general election after 6 April 2026.

The Commission then provides detailed observations in relation to eight provisions in the Schedules to the Bill.

The Commission welcomes the opportunity to engage in the development of the Bill.

Beverley Smith

Chair

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The Commission welcomes correspondence and telephone calls in Welsh or English
Mae'r ddogfen hon ar gael yn y Gymraeg.

LOCAL DEMOCRACY AND BOUNDARY COMMISSION FOR WALES

SENEDD CYMRU (MEMBERS AND ELECTIONS) BILL – CONSULTATION RESPONSE

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1. ABOUT THE COMMISSION

- 1.1 The Commission is an independent Welsh Government Sponsored Body. The Commission was established in 1974 under the terms of the Local Government Act 1972, and was known at the time as the Local Government Boundary Commission for Wales. The Commission was renamed by section 2 of the Local Government (Democracy) (Wales) Act 2013 (“**the 2013 Act**”).
- 1.2 At present, the Commission’s principal functions are to monitor and review the areas and electoral arrangements relevant to local government in Wales.
- 1.3 For this purpose, the Commission’s powers include reviewing the boundaries of principal council areas in Wales and the electoral arrangements for principal councils. The Commission also has certain powers in relation to reviews of community boundaries and community electoral arrangements, although the principal councils have primary responsibility for these reviews in their respective areas. The Commission’s principal powers and duties are set out in the 2013 Act.
- 1.4 The Senedd Bill includes provisions designed to rename the Commission as the Democracy and Boundary Commission Cymru, and to confer on the Commission the additional function of reviewing and determining the boundaries of Senedd constituencies. In principle, the Commission is in support of the Senedd Bill. Since the Senedd Bill was introduced to the Welsh Parliament, the Commission has engaged in scrutiny of its provisions, as well as initial preparations for the Commission’s anticipated new functions.

2. TIMING OF THE 2026 BOUNDARY REVIEW

- 2.1 The Commission has been asked to include in its written evidence an overview of the indicative dates for the review of Senedd constituencies for the first general election after 6 April 2026 which should include an estimated earliest date on which the review would be able to begin and the estimated dates of the first and second periods for representations.
- 2.2 When undertaking boundary reviews, the Commission sets out its policies and practice for the review in advance of publishing any proposals. For the first Senedd review, the document will be titled ‘Guide to the 2026 Review’ and will include information on how the Commission will create constituencies, the naming and designation of constituencies as well as factors it will take into account in the pairing exercise. Prior to publishing the guide, the Commission will hold meetings with key stakeholders which include qualifying political parties and existing Members of the Senedd. The Commission anticipates holding these meetings in **August 2024**.
- 2.3 The Commission will then publish its Initial Proposals that will trigger the first period of consultation that will last for 4 weeks. The Commission anticipates publishing its Initial Proposals in the **w/c 16 September 2024**.

- 2.4 Due to the level of public interest around the expansion of the Senedd, the Commission anticipates receiving a high number of representations. In order to ensure that the Commission receives relevant responses to its proposals, the Commission will set out specific questions as part of the consultation process. It will seek out respondents to provide an answer to whether they agreed to the pairings within the proposals and the reasoning behind the agreement or if they do not agree with the pairings, what alternative pairings should the Commission consider and the reasoning for the alternative pairings. The specific consultation questions will assist the Commission in its deliberations of the representations received.
- 2.5 Following the end of the first consultation period, the Commission will consider all representations received and prepare them for publication. The preparation process includes redacting identifiable information of private individuals and translation. The Commission will publish the representations received as soon as this process is completed and anticipates publishing the representations within the first two weeks of **December 2024**.
- 2.6 On the basis that changes should be made to the pairing arrangements, the Commission will then prepare a second report setting out the revised proposals. This will trigger the second period of consultation which will last for 4 weeks. The Commission intends to publish its second report **w/c 6 January 2025**.
- 2.7 The Commission will carry out the same processing procedures as outlined in 2.5 on the representations received in the second period of consultation and anticipates publishing the representations in early **March 2025**.
- 2.8 The Commission will consider all the representations received and prepare its final report. The Commission intends to publish its final report on the **31st March 2025**.
- 2.9 The Commission acknowledges the challenge of the compressed timescale for the 2026 Review, however as outlined in the Commission's Regulatory Impact Assessment submission, the Commission is confident that if the appropriate level of financial resource is provided, the review can be completed before 1 April 2025.

3. DETAILED OBSERVATIONS ON THE BILL

- 3.1 Schedule 1 to the Bill lays down detailed provisions for the Commission's conduct of the first review of Senedd constituencies, which must be completed by 1 April 2025 (known as "**the 2026 boundary review**"). Schedule 2 lays down detailed provisions for subsequent reviews of Senedd constituencies, including the second review which must be completed by 30 November 2028. The following sections of this document set out the Commission's detailed observations in relation to the provisions of those two Schedules.

Schedule 1 – publication of representations following the second period for representations

- 3.2 Schedule 1 lays down a process by which new Senedd constituencies will be created for the purposes of the first general election after 6 April 2026. That process involves the carrying out of the 2026 boundary review by the Commission, followed by the implementation of the outcome of that review by the Welsh Ministers by means of Regulations.
- 3.3 The 2026 boundary review involves a two-stage public consultation by the Commission, leading to the publication of a final report by the Commission containing determinations which the Welsh Ministers will implement.
- 3.4 At the first consultation stage, the Commission (having consulted the Welsh Language Commissioner) will publish an initial report containing the Commission's proposals for Senedd constituencies, then will invite representations in response to the initial report during a four-week period known as the "first period for representations". The Commission will then publish the representations it receives and consider whether, in the light of those representations, its proposals ought to be amended.
- 3.5 Thereafter, at the second stage of the Commission's public consultation process, the Commission will publish a second report setting out its proposals for Senedd constituencies, and will invite representations in response to that second report during a four-week period known as the "second period for representations".
- 3.6 Paragraph 7(5)(a) of Schedule 1 to the Bill currently provides that, at the end of the second period for representations, the Commission must "*publish any representations received*". The Commission suggests that, at this stage, its duty should be to publish representations received *during the second period for representations* only, rather than to publish *all representations received during the first and second periods for representations*. To this end, the Commission suggests that paragraph 7(5)(a) should be amended by the addition of the words "*during that period*" after the current wording and before the comma.
- 3.7 The principal reason for this suggestion is that, by this stage of the process, the Commission will already have published representations which it received during the first period for representations, since this is required by paragraph 7(1)(a). There seems to be little reason to require the Commission to *re-publish* at the end of the second period for representations any representations which it received during the *first* period for representations.
- 3.8 The Commission therefore **suggests that paragraph 7(5)(a) of Schedule 1 should be amended as follows** (by the addition of the text underlined):

"(a) publish any representations received during that period."

Schedule 1 – linkage with final report stage

3.9 As noted above, after the Commission has completed the two-stage consultation process required under Schedule 1, it is required to publish a final report setting out the Senedd constituencies for the first general election after 6 April 2026. The Commission’s determinations must then be implemented by the Welsh Ministers in regulations.

3.10 Paragraph 8(1) of Schedule 1 to the Bill currently lays down the obligation on the Commission to publish its final report in the 2026 boundary review by 1 April 2025. The Commission suggests that, as presently drafted, the wording of this provision does not obviously indicate that the publication of the final report follows the end of the second period for representations and the process of taking into account representations received during that second period.

3.11 The Bill may therefore be more readily understood if the text currently in paragraph 7(5) of Schedule 1 were moved into paragraph 8(1) (with consequential re-numbering of the subsequent subparagraphs in paragraph 8). This would create a more obvious linkage between the end of the second period for representations and the preparation and publication of the final report. It would also mirror the approach taken in paragraph 7(1) of Schedule 1, which creates an obvious linkage between the end of the first period for representations and the preparation and publication of the second report.

3.12 The Commission therefore suggests that **paragraph 7(5) of Schedule 1 should be moved into paragraph 8, with the consequence that the first two sub-paragraphs in paragraph 8 should read as follows** (with the changes shown underlined) and the subsequent sub-paragraphs in paragraph 8 should be re-numbered accordingly:

- “8 (1) At the end of the second period for representations the Commission must –
- (a) publish any representations received during that period¹,
 - (b) consider its proposals having regard to those representations, and
 - (c) if it is considering any changes to the proposals set out in the second report for the names of the Senedd constituencies for communication through the medium of Welsh –
 - (i) consult the Welsh Language Commissioner on the orthography of the proposed names, and
 - (ii) have regard to any representations made by the Commissioner.
- (2) After taking the steps in sub-paragraph (1), and before 1 April 2025, the Commission must –

¹ The reasons for this suggested addition are set out in paragraphs 3.4 to 3.7 above

- (a) *make and publish a final report, and*
- (b) *send it to the Welsh Ministers.*

Schedule 2 – principle of minimal change to Senedd constituencies

- 3.13 Schedule 2 lays down a process by which Senedd constituencies will be reviewed periodically by the Commission following the completion of the 2026 boundary review. Schedule 2 inserts new provisions into the Local Government (Democracy) (Wales) Act 2013 (the name of which will be changed by the Bill to the Democracy and Boundary Commission Cymru etc. Act 2013) (“**the 2013 Act**”) to this effect.
- 3.14 Under the new provisions, the Commission will be required to complete a review of Senedd constituencies during the period from 1 April 2025 to 30 November 2028, and thereafter once in every 8-year period.²
- 3.15 When it conducts a review pursuant to the new provisions in Schedule 2, the Commission’s task will be to determine whether the boundaries of the Senedd constituencies should change.³ The Commission’s determinations must be implemented by the Welsh Ministers by means of Regulations.⁴
- 3.16 The new provisions entail that, when the Commission determines whether the boundaries of the Senedd constituencies should change, the Commission:
- 3.16.1 must ensure that each constituency complies with the statutory electorate range – in other words, that its electorate is no less than 90% and no greater than 110% of the electoral quota (which in turn is one sixteenth of the electorate of Wales);
 - 3.16.2 must “*seek to minimise the amount of change*” to the Senedd constituencies as they exist at the start of the Commission’s review;
 - 3.16.3 must “*have regard to the inconveniences caused by making changes to the Senedd constituencies*”; and
 - 3.16.4 may have regard to other specific listed factors, namely (in broad summary) local government boundaries, geographical considerations and local ties.⁵

² Proposed new section 49A(1) and (5) of the 2013 Act, to be inserted by paragraph 1 of Schedule 2 to the Bill

³ Proposed new section 49A(2) of the 2013 Act, to be inserted by paragraph 1 of Schedule 2 to the Bill

⁴ Proposed new section 49J(1) of the 2013 Act, to be inserted by paragraph 1 of Schedule 2 to the Bill

⁵ Proposed new section 49C(1) to (3) of the 2013 Act, to be inserted by paragraph 1 of Schedule 2 to the Bill

3.17 The Commission considers that, in practice, the obligation to “*seek to minimise the amount of change*” to existing Senedd constituencies is likely to lead to a narrow focus on electorate numbers in its future reviews and thereby to bring about inferior outcomes in its determination of Senedd constituency boundaries.

3.18 For example, if an existing Senedd constituency has an electorate which is 110.5% of the electoral quota, the Commission will be required to reduce the size of that constituency in order to comply with its obligation to observe the statutory electorate range.⁶ The Commission’s general approach, as in its reviews of local government electoral boundaries under the existing terms of the 2013 Act, would be to seek to remove from the oversized constituency an existing local government electoral unit, such as a principal area electoral ward or a community.⁷ In choosing which electoral unit to remove, the Commission would have regard to geographical considerations and local ties. In this way, the Commission would reduce the oversized constituency in a manner which respected specific local considerations and would create new constituency arrangements which comply with the electoral quota, are easily identifiable geographically, and avoid the confusion which can result from different electoral units for different elections in the same area. The Commission’s general policy in local government electoral reviews is that it will depart from this approach, and “split” an existing local government electoral unit, only where it would otherwise be impossible to comply with the statutory electorate range.⁸

3.19 This approach may not be lawful in relation to Senedd constituencies if the Commission is subject to an obligation to “*seek to minimise the amount of change*” to the example Senedd constituency which has an electorate of 110.5% of the electoral quota. The *minimal change* required to bring that constituency within the statutory electorate range is the removal of 0.5% of the electorate from the constituency. In practice, it is very unlikely that there will be an existing local government electoral unit containing precisely that number of electors, which can be removed from the constituency in a manner which respects local ties and creates boundaries which are easily identifiable geographically. Instead, the Commission is likely to be forced to split an existing local government electoral unit, in a manner which may not respect specific local considerations. This would create a situation in which there are different electoral units for local government elections and Senedd elections (as well as Westminster parliamentary elections) which can generate confusion for voters, and is likely to represent an inferior outcome.

3.20 The Commission therefore **suggests that the obligation to “*seek to minimise the amount of change*” to Senedd constituencies be removed from the Bill** (by the deletion of the new proposed section 49C(2)(b)(i) of the 2013 Act). This is because, in the Commission’s view, the obligation to “*have regard to the inconveniences caused by making changes to the Senedd constituencies*”

⁶ See above, paragraph 3.16.1

⁷ This is also the normal practice of the Boundary Commission for Wales (“**BCW**”) in its reviews of Westminster parliamentary constituencies under the Parliamentary Constituencies Act 1986 – see for example BCW’s *Guide to the 2023 Review* at paragraphs 3.8 to 3.10 and 3.14 to 3.15 (available at <https://bcomm-wales.gov.uk/sites/bcomm/files/review/Guide%20to%20the%20Review%20E.pdf>)

⁸ This is also the general policy of the Boundary Commission for Wales – see above, fn. 7

contained in the new proposed section 49C(2)(b)(ii) of the 2013 Act will itself be sufficient to ensure that the Commission exercises due caution before determining that Senedd constituency boundaries should be changed; yet that provision will not risk generating the undesirable outcomes described above.

3.21 Alternatively, the Commission suggests that the new proposed section 49C(2)(b) is amended in order that the *desirability* of minimising change to Senedd constituencies is a relevant factor for the Commission's consideration, alongside other factors. This will enable this factor to be taken into account, while avoiding placing an obligation on the Commission to split existing local government electoral units. The Commission therefore suggests that the new proposed section 49C(2)(b) be worded as follows (with changes shown underlined):

"in any event the Commission must have regard to –

- (i) the desirability of minimising the amount of change to the Senedd constituencies that exist on the review date, and*
- (ii) the inconveniences caused by making changes to the Senedd constituencies."*

Schedule 2 – time management in public hearings

3.22 The review process laid down by the provisions in Schedule 2 of the Bill involves three stages of public consultation by the Commission. In summary, the Commission will first publish an initial report describing any changes it proposes to the Senedd constituencies, and invite representations in response to that report during the first period for representations. Second, the Commission will publish any representations it receives, then (during the second period for representations) both invite representations in response to those representations and hold public hearings. Third, the Commission must prepare and publish a second report describing any changes it proposes to the Senedd constituencies, and invite further representations during a final period for representations. After that final period for representations the Commission will prepare and publish its final report.

3.23 The public hearings which must be held during the second period for representations will be chaired by an individual appointed by the Commission, who will determine the procedure that is to govern the hearing.⁹

3.24 Under the new proposed section 49G(8) of the 2013 Act, the chair "*must allow representations to be made*" by qualifying political parties, as well as "*by any other person considered by the chair to have an interest in any of the proposals with which the hearing is concerned*". However the new proposed section 49G(9)(c)

⁹ Proposed new section 49G(5) and (6) of the 2013 Act, to be inserted by paragraph 1 of Schedule 2 to the Bill

states that the chair may, “*if necessary because of shortage of time*”, determine that interested persons “*are not allowed to make representations*”.

3.25 The Commission considers that these provisions, as they are currently worded, risk raising expectations of an unqualified right to make representations at its public hearings, especially among lay readers who may not notice the qualification in section 49G(9)(c). The Commission therefore **suggests that the new proposed section 49G(8)(b) should be expressly qualified by a cross-reference to section 49G(9)**, for example by the insertion of the following underlined words:

“(8) *The chair must allow representations to be made –*

[...]

(b) (subject to section 49G(9)) by any other person considered by the chair to have an interest in any of the proposals with which the hearing is concerned.”

3.26 This mirrors the approach taken in paragraph 7(b) of Schedule 2A to the Parliamentary Constituencies Act 1986 (which was inserted into that Act by amending legislation in 2011), on which the new proposed section 49G of the 2013 Act has been modelled.

Schedule 2 – contents of the second report

3.27 Following the second period for representations, the Commission will be required to “*consider its proposals having regard to the representations made during the first and second periods for representations*”, and then to prepare and publish a second report setting out any changes which the Commission proposes to the boundaries and names of the Senedd constituencies.¹⁰

3.28 Specifically, the new proposed section 49H(2) of the 2013 Act provides that:

“the Commission must make a second report—

(a) setting out any representations [received in response to representations made during the first period for representations];

(b) containing records of the public hearings held under section 49G;

(c) setting out –

(i) the Commission’s proposals for change to the boundaries and names of the Senedd constituencies, or

¹⁰ Proposed new section 49H of the 2013 Act, to be inserted by paragraph 1 of Schedule 2 to the Bill

(ii) *if the Commission does not consider any change appropriate, a statement to that effect;*

(d) *specifying details of any changes the Commission has made to the proposals set out in the initial report, and an explanation of why those changes have been made.*”

3.29 As it is currently worded, this provision will require that the Commission’s second report *contains* any representations received by the Commission *and* records of the Commission’s public hearings. The second report is therefore likely to be a very large document, which may reduce its user-friendliness.

3.30 The Commission therefore suggests that, instead of forming part of the second report, the records of its public hearings and the representations it receives during the second period for representations should be published *separately* and *at the same time* as the second report, rather than forming part of that report. This would mirror section 5(4B) and (5) of the Parliamentary Constituencies Act 1986 (as inserted into that Act by amending legislation in 2011 and 2020), which provides for the publication of records of public hearings *alongside* any revised proposals report which the Boundary Commission for Wales publishes in the course of a review of Westminster parliamentary constituencies.

3.31 The Commission also suggests that, in order to avoid ambiguity, its obligation to publish representations at this stage of its review process should be expressly limited to those representations it received *during the second period for representations*. This reflects the express limitation imposed by section 49H(1)(a) on the Commission’s obligation to take representations into account.

3.32 The Commission therefore **suggests that the new proposed section 49H(2) and (3) of the 2013 Act should be worded as follows** (with changes shown by underlining):

“(2) *After taking the steps in subsection (1), the Commission must make a second report –*

(a) *setting out –*

(i) *the Commission’s proposals for change to the boundaries and names of the Senedd constituencies, or*

(ii) *if the Commission does not consider any change appropriate, a statement to that effect; and*

(b) *specifying details of any changes the Commission has made to the proposals set out in the initial report, and an explanation of why those changes have been made.*

- (3) *The Commission must—*
- (a) *publish the second report,*
 - (b) *publish any representations (of the kind described in section 49F(2)(b)) received during the second period for representations;*
 - (c) *publish records of the public hearings held under section 49G;*
 - (d) *inform any person it considers appropriate of how to access the report and the representations and records the Commission has published;*
 - (e) *invite representations on the report, including representations in respect of the representations made during the public hearings, and*
 - (f) *notify any person it considers appropriate of the final period for representations.”*

Schedule 2 – publication of representations following the final period for representations

3.33 The new proposed section 49H(5) of the 2013 Act will require that, at the end of the final period for representations, the Commission “*publish any representations received*”, “*consider its proposals having regard to those representations*”, and (in certain circumstances) consult further with the Welsh Language Commissioner. Thereafter the Commission will prepare and publish its final report.

3.34 The Commission suggests that its obligation to publish representations at this stage should be expressly limited to representations which it received *during the final period for representations*. This is because the Commission will already have published representations which it received during the first period for representations (at the end of that period – see proposed section 49F(1) of the 2013 Act) as well as representations which it received during the second period for representations (at the end of that period – see proposed section 49H(2)(a) as it is currently set out in Schedule 2, and further the suggestions in paragraphs 3.30 and 3.31 above). For the Commission to be required to publish, at the end of the final period for representations, all the representations it has received during the entirety of the review would therefore involve needless duplication of effort.

3.35 The Commission therefore **suggests that the new proposed section 49H(5)(a) of the 2013 Act be amended as follows** (with additions shown underlined):

“publish any representations received during that period [...]”.

Schedule 2 – linkage with final report stage

- 3.36 After the Commission has completed the three-stage public consultation process required by the provisions contained in Schedule 2, the Commission will be required to publish a final report setting out any changes to be made to the Senedd constituencies. Any changes set out in the Commission’s final report must then be implemented by the Welsh Ministers by means of regulations.
- 3.37 The obligation to publish the final report is currently laid down by the new proposed section 49I(1) in the 2013 Act. The Commission suggests that, as that provision is presently drafted, it does not obviously indicate that the publication of the final report follows the end of the final period for representations and the process of taking into account representations received during that period.
- 3.38 The Bill may therefore be more readily understood if the text currently in the new proposed section 49H(5) were moved into section 49I(1) (with consequential re-numbering of the subsequent subsections in section 49I). This would mirror the approach taken in the new proposed sections 49F(1) and 49H(1), which create obvious linkages with previous stages in the consultation process.
- 3.39 The Commission therefore suggests that the new proposed section 49H(5) of the 2013 Act **should be moved into section 49I(1), with the consequence that the first two subsections in section 49I should read as follows** (with the changes shown underlined) and the subsequent subsections in section 49I should be re-numbered accordingly:

- “49I (1) At the end of the final period for representations the Commission must –
- (a) publish any representations received during that period¹¹,
- (b) consider its proposals having regard to those representations, and
- (c) if it is considering any changes that were not set out in the second report to the names of the Senedd constituencies –
- (i) consult the Welsh Language Commissioner on the orthography of the proposed names for communication through the medium of Welsh, and
- (ii) have regard to any representations made by the Commissioner.
- (2) After taking the steps in subsection (1), before 1 December 2028, and before 1 December every eighth year after that, the Commission must –
- (a) make and publish a final report, and

¹¹ The reasons for this suggested addition are set out in paragraph 3.34 above

(b) send it to the Welsh Ministers.”

Schedule 2 – contents of the final report

3.40 The new proposed section 49I(2) of the 2013 Act (which will be inserted by paragraph 1 of Schedule 2 to the Bill) provides that the Commission’s final report in a review of Senedd constituencies must:

“(a) *either –*

- (i) set out the details of any changes that are required to be made to the Senedd constituencies, or*
- (ii) state that no alteration is required to be made to the Senedd constituencies”.*

3.41 The new proposed section 49I(3) further specifies that, if changes are to be made to the boundaries of Senedd constituencies, the Commission’s final report must set out (among other things) *“the boundaries of the Senedd constituencies that are to be changed”*, as well as the names of those constituencies.

3.42 The new proposed section 49J(1) then provides that *“[w]here a final report sets out changes that are required to be made to the Senedd constituencies, the Welsh Ministers must make regulations giving effect to the determinations in the Commission’s final report”*.

3.43 The Commission considers that, as a result of these provisions, when regulations are made by the Welsh Ministers under section 49J, those regulations will not lay down a full new set of Senedd constituencies. Instead those regulations will simply make amendments to existing constituency arrangements, such as are necessary to give effect to the changes set out in the Commission’s final report. This appears to be the case because:

3.43.1 the regulations will simply *give effect to determinations in the Commission’s final report*;¹² and

3.43.2 the final report will *set out the details of any changes that are required to be made to the Senedd constituencies*, and will describe the boundaries and names of the Senedd constituencies *that are to be changed*, as is required by the new proposed provisions.¹³

¹² See above, paragraph 3.42

¹³ See above, paragraphs 3.40 and 3.41

- 3.44 This limitation in the scope of regulations made under section 49J(1) has knock-on effects for the Bill more widely. For example, clause 2 of the Bill would amend the Government of Wales Act 2006 in such manner as to define Senedd constituencies as “*the constituencies specified in regulations under section 49J*”, once a first set of regulations is made under that provision (with regulations made following the 2026 boundary review having effect for this purpose only *until* the first set of regulations is made under section 49J). This mechanism perhaps neglects the fact that the first set of regulations under section 49J will not necessarily define a complete set of Senedd constituencies for Wales (but rather are likely simply to amend arrangements made following the 2026 boundary review) – so that the first set of regulations under section 49J cannot be used as the sole reference point for Senedd constituencies.
- 3.45 A similar concern affects paragraph 1(b) of Schedule 1 to the Bill, as well as the definition of “Senedd constituency” in the new proposed section 49L(1) of the 2013 Act (inserted by section 1 of Schedule 2 to the Bill) and the transitional provision in paragraph 3 of Schedule 2 to the Bill.
- 3.46 The Commission suggests that this problem can be most easily overcome if the Commission is required to set out a *full set* of Senedd constituencies for Wales in its final report following a review under the new provisions in the 2013 Act. On this basis, when the Welsh Ministers make regulations under section 49J “*giving effect to the determinations in the Commission’s final report*”, those regulations *would* lay down a complete new set of Senedd constituency arrangements. This would resolve the problems referred to in paragraphs 3.44 to 3.45 above, and would avoid the need for cross-referencing against older regulations in order to arrive at a complete overview of the Senedd constituencies.
- 3.47 This proposed approach reflects the wording of section 3(1)(a) of the Parliamentary Constituencies Act 1986, which governs the content of reports prepared by the Boundary Commission for Wales following its reviews of Westminster parliamentary constituencies under that Act.
- 3.48 The Commission **therefore suggests that the new proposed section 49I(2)(a) of the 2013 Act is amended as follows** (with new wording shown underlined):

“(2) *The final report must –*

(a) either –

- (i) set out the constituencies into which Wales should be divided for the purposes of the election of Members of the Senedd; or*
- (ii) state that no alteration is required to be made to the Senedd constituencies [...].*

Summary – the Commission’s suggested modifications of the Bill

3.49 First, the Commission **suggests that paragraph 7(5)(a) of Schedule 1 should be amended as follows** (by the addition of the text underlined):

“(a) publish any representations received during that period.”

3.50 Second, the Commission suggests that **paragraph 7(5) of Schedule 1 should be moved into paragraph 8 of Schedule 1, with the consequence that the first two sub-paragraphs in paragraph 8 should read as follows** (with changes shown underlined) and the subsequent sub-paragraphs in paragraph 8 should be re-numbered accordingly:

“8 (1) At the end of the second period for representations the Commission must –

(a) publish any representations received during that period¹⁴.

(b) consider its proposals having regard to those representations, and

(c) if it is considering any changes to the proposals set out in the second report for the names of the Senedd constituencies for communication through the medium of Welsh –

(i) consult the Welsh Language Commissioner on the orthography of the proposed names, and

(ii) have regard to any representations made by the Commissioner.

(2) After taking the steps in sub-paragraph (1), and before 1 April 2025, the Commission must –

(a) make and publish a final report, and

(b) send it to the Welsh Ministers.”

3.51 Third, the Commission **suggests that the obligation to “seek to minimise the amount of change” to Senedd constituencies be removed from the Bill** (by the deletion of the new proposed section 49C(2)(b)(i) of the 2013 Act from paragraph 1 of Schedule 2 to the Bill). **Alternatively, the Commission suggests that the new proposed section 49C(2)(b) is amended in order that the desirability of minimising change to Senedd constituencies is a relevant factor for the Commission’s consideration, alongside other factors**, so that the new proposed section 49C(2)(b) is worded as follows (with changes shown underlined):

¹⁴ This addition of three words is the same amendment suggested in paragraph 3.49 above

“in any event the Commission must have regard to –

- (i) the desirability of minimising the amount of change to the Senedd constituencies that exist on the review date, and*
- (ii) the inconveniences caused by making changes to the Senedd constituencies.”*

3.52 Fourth, the Commission **suggests that the new proposed section 49G(8)(b) in the 2013 Act should be expressly qualified by a cross-reference to section 49G(9)**, for example by the insertion of the following underlined words:

“(8) The chair must allow representations to be made –

[...]

(b) (subject to section 49G(9)) by any other person considered by the chair to have an interest in any of the proposals with which the hearing is concerned.”

3.53 Fifth, the Commission **suggests that the new proposed section 49H(2) and (3) of the 2013 Act should be worded as follows** (with changes shown by underlining):

“(2) After taking the steps in subsection (1), the Commission must make a second report –

(a) setting out –

(j) the Commission’s proposals for change to the boundaries and names of the Senedd constituencies, or

(ii) if the Commission does not consider any change appropriate, a statement to that effect; and

(b) specifying details of any changes the Commission has made to the proposals set out in the initial report, and an explanation of why those changes have been made.

(3) The Commission must—

(a) publish the second report,

(b) publish any representations (of the kind described in section 49F(2)(b)) received during the second period for representations;

(c) publish records of the public hearings held under section 49G;

- (d) *inform any person it considers appropriate of how to access the report and the representations and records the Commission has published;*
- (e) *invite representations on the report, including representations in respect of the representations made during the public hearings, and*
- (f) *notify any person it considers appropriate of the final period for representations.”*

3.54 Sixth, the Commission **suggests that the new proposed section 49H(5)(a) of the 2013 Act be amended as follows** (with additions shown underlined):

“publish any representations received during that period [...]”.

3.55 Seventh, the Commission suggests that the new proposed section 49H(5) of the 2013 Act **should be moved into section 49I(1), with the consequence that the first two subsections in section 49I should read as follows** (with the changes shown underlined) and the subsequent subsections in section 49I should be re-numbered accordingly:

“49I (1) At the end of the final period for representations the Commission must –

- (a) publish any representations received during that period¹⁵,*
- (b) consider its proposals having regard to those representations, and*
- (c) if it is considering any changes that were not set out in the second report to the names of the Senedd constituencies –*
 - (i) consult the Welsh Language Commissioner on the orthography of the proposed names for communication through the medium of Welsh, and*
 - (ii) have regard to any representations made by the Commissioner.*

(2) After taking the steps in subsection (1), before 1 December 2028, and before 1 December every eighth year after that, the Commission must –

- (a) make and publish a final report, and*
- (b) send it to the Welsh Ministers.”*

3.56 Eighth, the Commission **suggests that the new proposed section 49I(2)(a) of the 2013 Act is amended as follows** (with new wording shown underlined):

¹⁵ This addition of three words is the same amendment suggested in paragraph 3.54 above

“(2) *The final report must –*

(a) either –

- (i) set out the constituencies into which Wales should be divided for the purposes of the election of Members of the Senedd; or*
- (ii) state that no alteration is required to be made to the Senedd constituencies [...].*

Mae cyfyngiadau ar y ddogfen hon

Eitem 4.1

Senedd Cymru

Y Pwyllgor Biliau Diwygio

Gwybodaeth ychwanegol a ddarparwyd gan Gymdeithas Diwygio Etholiadol Cymru yn dilyn y sesiwn dystiolaeth ar 9 Tachwedd 2023:

- Modelu canlyniadau posibl cwotâu rhywedd deddfwriaethol ar gyfer etholiadau'r Senedd
- Enghraifft o lythyr a anfonwyd at bleidleiswyr yn Estonia yn darparu gwybodaeth cyn etholiadau.





Modelling the potential outcomes of legislative gender quotas

Approach to modelling LGQs

Tudalen y pecyn 54

Dual approach:

- **Random election results constrained by the bounds of Senedd Reform**
 - **16 constituencies**
 - **6 seats in each**
- **Modelled election results based on 2021 Senedd regional list votes to allocate seats to parties in each new constituency**

Vertical Zipping

Tudalen y pecyn 55

- **Adjacent candidates going down a party list may not be of the same gender**
- **Other names for vertical zipping include rank or placement mandate and zebra system**
- **Many countries use vertical zipping in their LGQ including: Bolivia, Costa Rica, Ecuador, France, Kenya, Republic of Korea, Lesotho, Libya, Mexico, Nicaragua, Senegal, Tunisia and Zimbabwe**

Position on list	Example 1	Example 2	Example 3
1	F	M	F
2	M	F	N
3	F	M	F
4	M	F	M
5	F	M	F
6	M	F	M

F – female, M – male, N – non-binary

Horizontal Zipping

Tudalen y pecyn 56

- Horizontal zipping is more complex as there are several ways to zip party lists horizontally, but in essence it refers to alternating genders at the top of the list so that the first seat isn't always won by the same gender across the available constituencies
- This could be pre-specified by an electoral management board or similar and dictated to the parties
- Or parties could decide which candidates to put on top of the list where

Constituency	Example 1	Example 2	Example 3
Area 1	F	M	F
Area 2	M	M	N
Area 3	F	M	F
Area 4	M	F	M
Area 5	F	F	F
Area 6	M	F	M

F – female, M – male, N – non-binary

Horizontal Zipping

Tudalen y pecyn 57

- This variability in approaches means outcomes could be different under different forms of horizontal zipping
- Countries that use horizontal (and vertical) zipping in their LGQs include Mexico, Costa Rica, Bolivia and Ecuador
 - Some require that women must be placed in 'winnable' seats based on the parties' results at the last election
- Latin America is leading in this element of quota design

Constituency	Example 1	Example 2	Example 3
Area 1	F	M	F
Area 2	M	M	N
Area 3	F	M	F
Area 4	M	F	M
Area 5	F	F	F
Area 6	M	F	M

F – female, M – male, N – non-binary

Random election methods

Tudalen y pecyn 58

- 20 iterations, providing 20 sets of election results per number of parties winning seats
- Random number generator used to generate election results with following settings:
 - Sets of numbers per line specified between 4 – 6 representing the number of ‘parties’ winning seats in a given set of elections
 - Each individual number could vary between 0 – 6 (the minimum and maximum numbers of seats a ‘party’ could win in any given constituency) and all numbers in a given line had to sum to 6 (i.e. the number of seats available in any constituency)
 - 16 lines of numbers were produced in each iteration reflecting the 16 constituencies
- Different approaches to horizontal zipping (the alternating of genders at the top of the list across constituencies) were then applied to these election results
- Under all scenarios there was always vertical zipping down party lists

Random election example results

Tudalen y pecyn 59

4 Party

Constituency	Seats won			
	Party A	Party B	Party C	Party D
1	3	0	2	1
2	1	0	0	5
3	0	3	1	2
4	3	1	2	0
5	1	3	2	0
6	4	0	1	1
7	1	3	2	0
8	0	3	2	1
9	3	0	1	2
10	2	4	0	0
11	0	0	4	2
12	3	2	0	1
13	0	0	5	1
14	3	0	1	2
15	0	2	1	3
16	0	4	1	1

5 Party

Constituency	Seats won				
	Party A	Party B	Party C	Party D	Party E
1	0	2	0	1	3
2	0	5	0	1	0
3	2	0	1	3	0
4	0	1	3	0	2
5	0	2	4	0	0
6	1	2	2	1	0
7	0	1	0	5	0
8	0	1	3	2	0
9	4	2	0	0	0
10	1	3	1	0	1
11	2	0	2	1	1
12	0	2	0	0	4
13	0	1	0	0	5
14	1	0	3	1	1
15	0	2	1	3	0
16	2	1	3	0	0

6 Party

Constituency	Seats won					
	Party A	Party B	Party C	Party D	Party E	Party F
1	2	4	0	0	0	0
2	0	1	0	3	0	2
3	1	0	0	0	5	0
4	3	0	2	0	1	0
5	0	0	2	0	3	1
6	2	1	1	1	1	0
7	5	1	0	0	0	0
8	1	0	0	2	3	0
9	2	0	1	0	3	0
10	1	0	0	3	2	0
11	0	1	0	5	0	0
12	0	3	2	0	0	1
13	0	5	1	0	0	0
14	1	0	1	2	1	1
15	1	1	1	1	2	0
16	3	0	2	0	0	1

Random election LGQ approaches

Tudalen y pecyn 60

No horizontal zipping:

- Men on top of all candidate lists across all constituencies
- Women on top of all candidate lists across all constituencies

Party specified horizontal zipping:

- Women on top of candidate lists in constituencies where they will win proportionally less seats (0, then 2, 4, 6)
- Combinations of different numbers of parties placing women on top of lists in constituencies where they will win proportionally more seats, less seats and pre-specified ordering
- Women on top of candidate lists in constituencies where they will win proportionally more seats (1 then 3, 5)

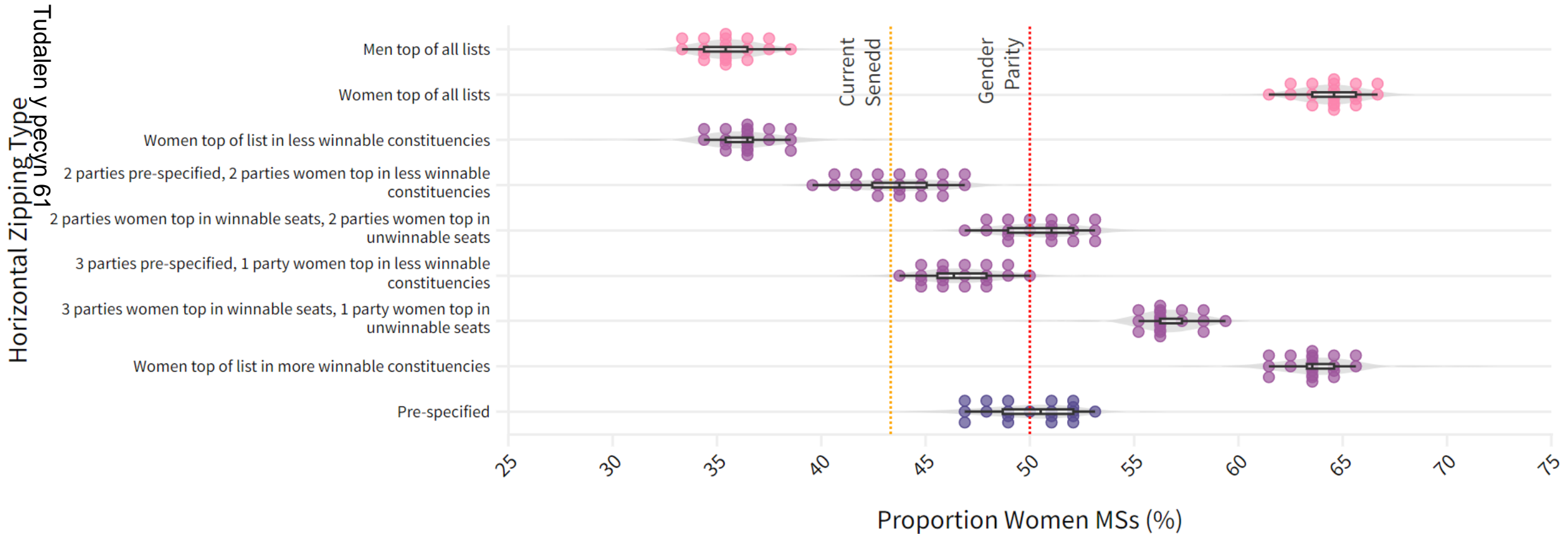
System mandated horizontal zipping:

- Pre-specified, parties are told who to put on top of lists where with genders alternating across constituencies in a strict way

Random election modelling results

4 party random election results

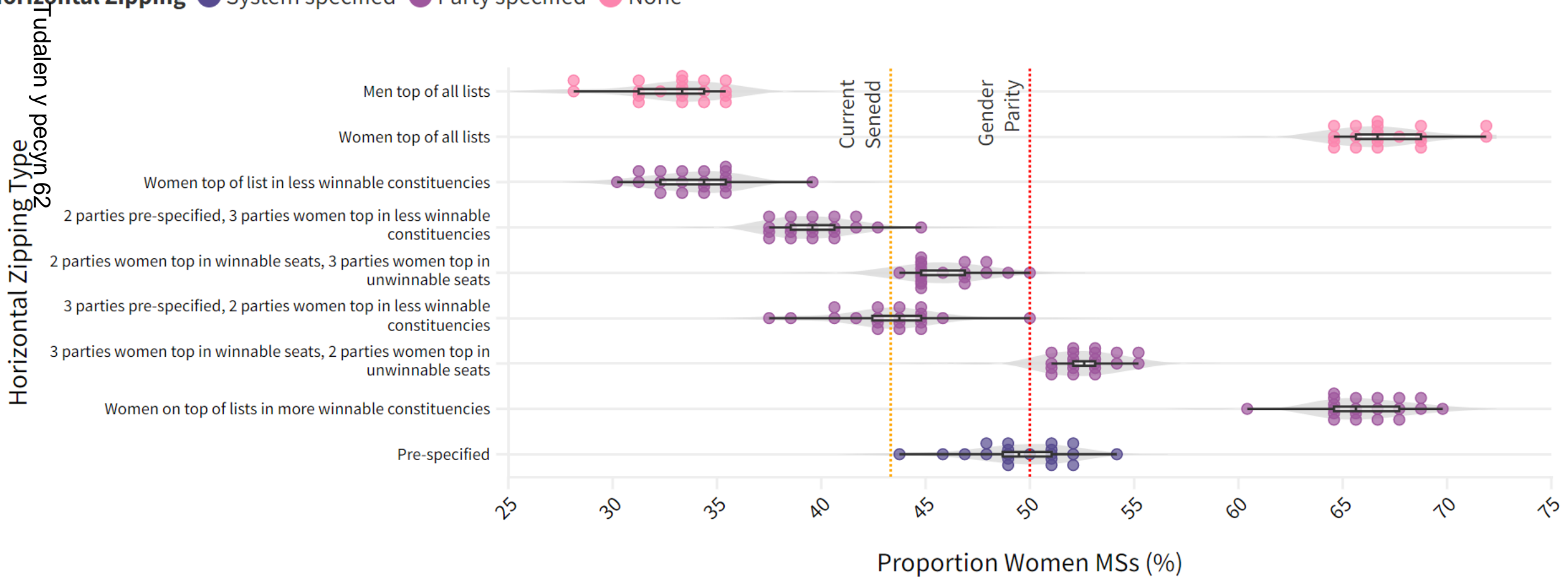
Horizontal Zipping ● System specified ● Party specified ● None



Random election modelling results

5 party random election results

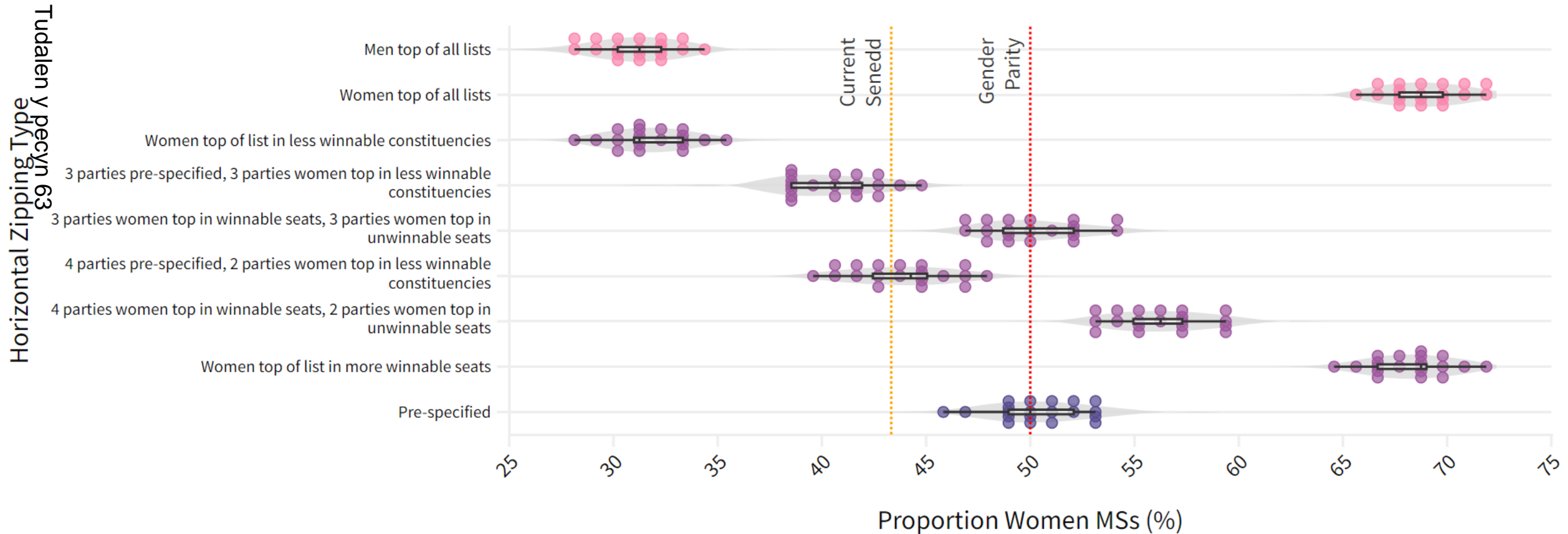
Horizontal Zipping ● System specified ● Party specified ● None



Random election modelling results

6 party random election results

Horizontal Zipping ● System specified ● Party specified ● None



Conclusions from random election LGQ modelling

Tudalen y pecyn 64

- **Wide range of outcomes from different horizontal zipping methods**
- **Some methods produce results that are less balanced than the current Senedd**
- **No approach guarantees exact parity across different election result iterations**
- **Number of parties winning seats in a given election also affects outcomes**

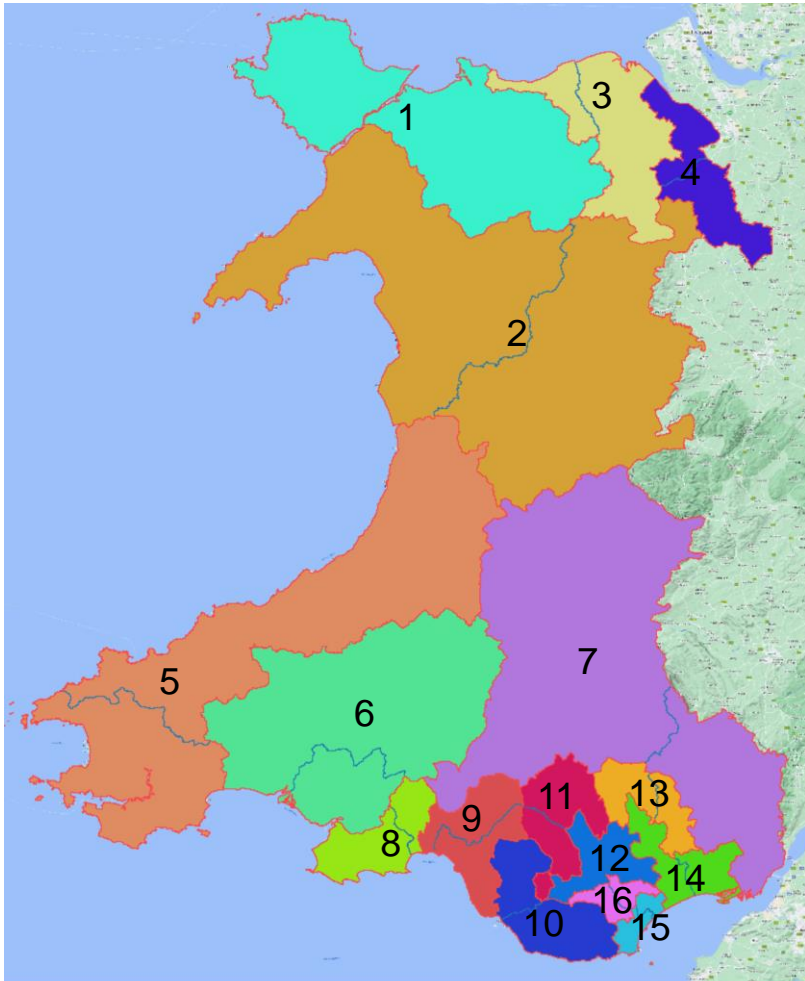
Modelled election results post-Senedd Reform - Methods

Tudalen y pecyn 65

- **Caveats:** all results are estimates based on the data available but cannot be considered accurate predictions of future election results
- **Regional list votes from the 2021 Senedd elections were used as a base for the modelling**
- **Votes from the 40 current constituencies were projected onto the new 32 constituencies weighted using the proportions of electorate within each new constituency from the boundary commission reports**
- **The 32 constituencies were then paired into 16 new Senedd constituencies and votes summed across these pairings**
- **Seats were allocated to each party using the D'Hondt method in each of these 16 constituencies**

Modelled new constituency boundaries

Tudalen y pecyn 66



#	Constituency 1	Constituency 2
1	Bangor Aberconwy	Ynys Môn
2	Dwyfor Meirionnydd	Montgomeryshire and Glyndwr
3	Clwyd East	Clwyd North
4	Alyn and Deeside	Wrexham
5	Ceredigion Preseli	Pembrokeshire Mid and South
6	Carmarthen	Llanelli
7	Monmouthshire	Brecon, Radnor and Cwm-tawe
8	Gower and Swansea West	Swansea Central and North
9	Aberafan Porthcawl	Neath and Swansea East
10	Bridgend	Vale of Glamorgan
11	Merthyr Tydfil and Upper Cynon	Rhondda
12	Caerphilly	Pontypridd
13	Blaenau Gwent and Rhymney	Torfaen
14	Newport East	Newport West and Islwyn
15	Cardiff East	Cardiff South and Penarth
16	Cardiff North	Cardiff West

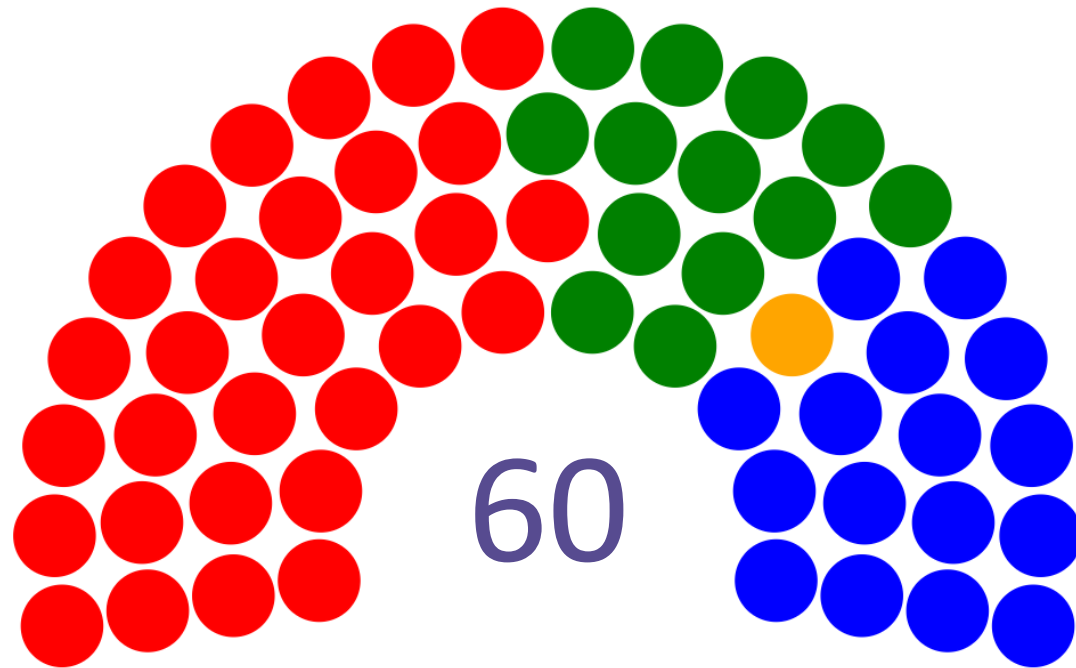
Modelled election results post-Senedd Reform - Results

Tudalen y pecyn 67

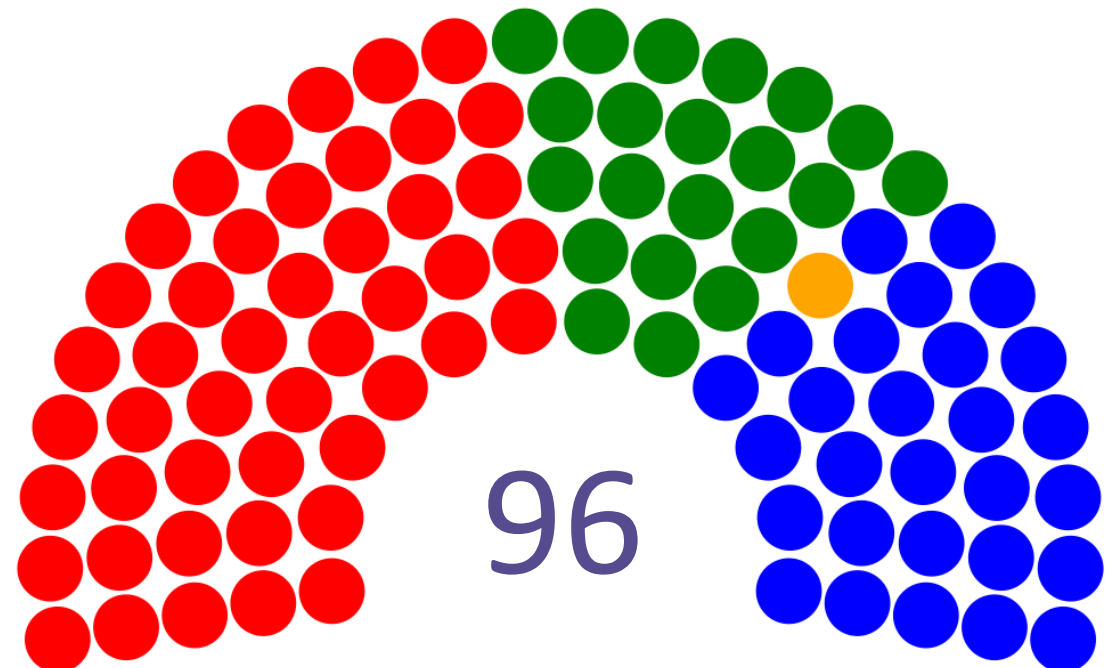
Party	Number of seats	% Seats	% Votes (total across all constituencies)
Welsh Labour	46	48%	36%
Welsh Conservatives	28	29%	25%
Plaid Cymru	21	22%	21%
Welsh Liberal Democrats	1	1%	4%

Tudalen y pecyn 68

Senedd 2021 results Senedd Reform model



Senedd 2021 results Senedd Reform model



Party	Senedd 2021 results	Senedd Reform model	Seat change
● Welsh Labour	30	46	↑ 16
● Plaid Cymru	13	21	↑ 8
● Welsh Liberal Democrats	1	1	0
● Welsh Conservatives	16	28	↑ 12

Modelled election LGQ approaches

No horizontal zipping:

- Men on top of all candidate lists across all constituencies
- Party specific % of women on top of lists based on candidate order for regional list in 2021 Senedd elections – placed in both more winnable and less winnable areas
- Women on top of all candidate lists across all constituencies

Party specified horizontal zipping:

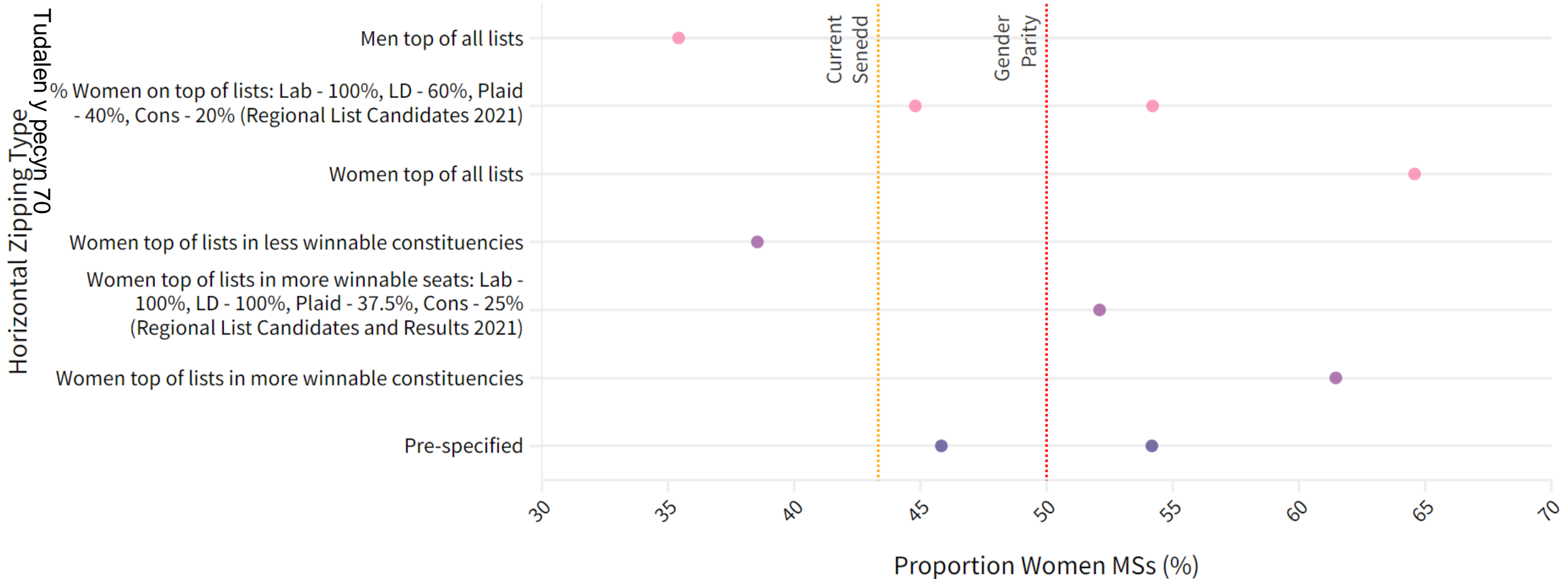
- Women on top of candidate lists in constituencies where they will win proportionally less seats (0, then 2, 4, 6)
- Party specific % of women on top of candidate lists in more winnable constituencies based on regional list results from 2021 Senedd elections
- Women on top of candidate lists in constituencies where they will win proportionally more seats (1 then 3, 5)

System mandated horizontal zipping:

- Pre-specified, parties are told who to put on top of lists where with genders alternating across constituencies in a strict way

Modelled election LGQ outcomes

Horizontal Zipping ● System Specified ● Party Specified ● None



Conclusions from modelled election LGQ outcomes

Tudalen y pecyn 71

- Range of outcomes based on zipping method
- Vertical zipping only could produce proportions of women MSs as low as 35.4% if men are placed at the top of candidate lists by all parties across all constituencies
- Mandating horizontal, as well as vertical zipping improves outcomes could still be as low 38.5% women MSs if women are placed on top of lists in less winnable areas
- Strict pre-specified horizontal zipping produces outcomes from 46 – 54% but may not be possible under current competencies
- Even if vertical and horizontal zipping are mandatory then parties may still play a huge role in determining the outcomes through where individuals are placed on top of the list



ELECTIONS INFORMATION SHEET

GIVEN NAME SURNAME

Address

NB! Information sheets are sent to voters by e-mail. You have been sent a paper copy, as the Population Register does not know your e-mail address. In order to give your e-mail address, please go to rahvastikuregister.ee.

NB! If this person does not live at this address, the owner of the dwelling can contact the local government to rectify the data or you can give notice of it at rahvastikuregister.ee.

WHICH ELECTORAL DISTRICT CAN I VOTE IN?

Rural municipality/city: Electoral district No. - description.

WHO CAN I VOTE FOR?

You can view the candidates of your electoral district at valimised.ee.

The lists are also available at all the voting rooms during the voting period (11 to 17 October).

WHEN AND HOW CAN I VOTE?

PRE-ELECTION DAYS						ELECTION DAY	
Mon 11 Oct	Tue 12 Oct	Wed 13 Oct	Thu 14 Oct	Fri 15 Oct	Sat 16 Oct	Sun 17 Oct	
E-VOTING							
<p>You can vote at valimised.ee.</p> <p>Voting starts at 09:00 on 11 October and ends at 20:00 on 16 October. You can vote round the clock.</p> <p>In order to vote, you need a computer with an Internet connection and your ID card or Mobile ID with PIN codes.</p>						<p>No e-voting is available If you wish, you can change your previously given e-vote on the spot in the voting room.</p>	
VOTING IN A VOTING ROOM							
<p>You can vote in <u>all</u> the voting rooms open at that time all across Estonia</p> <p>12:00 to 20:00</p> <p>Information about all the voting rooms in Estonia is available at https://jsk.valimised.ee/.</p>			<p>You can <u>only</u> vote in the voting rooms of your electoral district (see overleaf ↗)</p> <p>12:00 to 20:00</p>				<p>09:00 to 20:00</p>
VOTING AT HOME WITH A BALLOT BOX							
<p>You cannot vote at home with a ballot box.</p>			<p>You can vote at home only with a ballot box ordered to your home (see overleaf ↗)</p> <p>09:00 to 20:00</p>				

VOTING ROOMS OF YOUR ELECTORAL DISTRICT FOR VOTING ON THE SPOT

WHERE CAN I VOTE?			WHEN CAN I VOTE?			
LOCATION	ADDRESS	PHONE <i>(used only during the voting period)</i>	11 to 14 Oct 12 to 20	15 Oct 12 to 20	16 Oct 12 to 20	17 Oct 09 to 20
Name	Address	Phone number	Toimub = Takes place			
Name	Address	Phone number				
Name	Address	Phone number				
Name	Address	Phone number				
Name	Address	Phone number				
Name	Address	Phone number				
Name	Address	Phone number				
Name	Address	Phone number				
Name	Address	Phone number				
Name	Address	Phone number				



For information about the accessibility of voting rooms, please call 631 6633 or visit jsk.valimised.ee.

FURTHER INFORMATION

WHAT SHOULD I TAKE ALONG TO VOTING?

Take along a **personal identification document** (e.g. ID card, passport, residence permit card, driving licence).
You do not need to take along the elections information sheet.

HOW CAN I ORDER A BALLOT BOX TO MY HOME?

You can order a ballot box by phone from 15 to 17 October.
Ordering closes at 14:00 on 17 October.
To order it, **please call** *phone number*.

WHO DO I INFORM IN THE CASE OF AN ATTEMPT TO UNLAWFULLY INFLUENCE MY VOTING DECISION?

If an attempt is made to influence your voting decision by promising or giving property or other benefits, **immediately notify the police** by calling 112. This way, you contribute to ensuring the honest conduct of the elections.

WHERE CAN I GET FURTHER INFORMATION?

Elections info line: 631 6633

Elections e-mail: info@valimised.ee

Elections webpage: valimised.ee

Information on voting rooms: jsk.valimised.ee

COVID-19 information: kriis.ee

* Information about Population Register data (e.g. place of residence, e-mail): *phone number*

* More detailed information on the accessibility of voting rooms: lips.tallinn.ee

* Information only on the Tallinn information sheet

Y Pwyllgor Biliau Diwygio

Item 4.2

Reform Bill Committee

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN
SeneddDiwygio@senedd.cymru
senedd.cymru/SeneddDiwygio
0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN
SeneddReform@senedd.wales
senedd.wales/SeneddReform
0300 200 6565

Dawn Bowden AS
Cyn-gadeirydd
Y Pwyllgor ar Ddiwygio Etholiadol y Senedd

16 Tachwedd 2023

Annwyl Dawn

Bil Senedd Cymru (Aelodau ac Etholiadau)

Fel y gwyddoch, cyflwynodd Llywodraeth Cymru Fil Senedd Cymru (Aelodau ac Etholiadau) yn ffurfiol i'r Senedd ar 18 Medi 2023. Rôl y Pwyllgor Biliau Diwygio yw cynnal gwaith craffu Cyfnod 1 ar egwyddorion cyffredinol y Bil.

Ar hyn o bryd, rydym yn casglu tystiolaeth i lywio ein casgliadau ac unrhyw argymhellion posibl. Mae'r dystiolaeth a gawsom hyd yn hyn yn cynnwys:

- Tystiolaeth lafar gan y cyn-Gadeirydd a chyn aelod o'r Panel Arbenigol ar Ddiwygio Etholiadol y Cynulliad.
- Tystiolaeth ysgrifenedig gan gyn-Gadeirydd y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd.

Rôl y Pwyllgor ar Ddiwygio Etholiadol y Senedd oedd trafod argymhellion y Panel Arbenigol ar Ddiwygio Etholiadol y Cynulliad. Ar ôl hynny, cylch gorchwyl y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd oedd trafod casgliadau'r Pwyllgor ar Ddiwygio Etholiadol y Senedd a gwneud argymhellion o ran cyfarwyddiadau polisi ar gyfer Bil Llywodraeth Cymru ar ddiwygio'r Senedd.

Felly, er mai'r Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad yw'r Aelod sy'n gyfrifol am Fil Senedd Cymru (Aelodau ac Etholiadau) a'r darpariaethau ynddo, hoffem roi cyfle i chi, yn rhinwedd eich rôl



fel cyn-Gadeirydd y Pwyllgor ar Ddiwygio Etholiadol, i rannu unrhyw safbwyntiau sydd gennych ar y Bil.

Byddem yn croesawu ymateb ysgrifenedig erbyn dydd Iau 30 Tachwedd 2023.

Yn gywir



David Rees AS

Cadeirydd y Pwyllgor Biliau Diwygio

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

Y Pwyllgor Biliau Diwygio

Item 4.3

Reform Bill Committee

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN
SeneddDiwygio@senedd.cymru
senedd.cymru/SeneddDiwygio
0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN
SeneddReform@senedd.wales
senedd.wales/SeneddReform
0300 200 6565

John Griffiths AS

Cadeirydd

Y Pwyllgor Llywodraeth Leol a Thai

16 Tachwedd 2023

Annwyl John

Bil Senedd Cymru (Aelodau ac Etholiadau)

Fel y gwyddoch, mae'r Pwyllgor Biliau Diwygio wrthi'n craffu ar Fil Senedd Cymru (Aelodau ac Etholiadau). Yn ystod ein gwaith ar y Bil hwn, rydym wedi clywed tystiolaeth gan Fwrdd Rheoli Etholiadol yr Alban a Boundaries Scotland ar 9 Tachwedd 2023, a chan Fwrdd Cydlynu Etholiadol Cymru ar 15 Tachwedd 2023, a allai fod o ddiddordeb ac yn berthnasol i waith craffu eich Pwyllgor ar y Bil Etholiadau a Chyrff Etholedig (Cymru).

Mae Bil Senedd Cymru (Aelodau ac Etholiadau) yn cynnwys, ymhlith materion eraill, darpariaeth i:

- Ailgyflunio Comisiwn Ffiniau a Democratiaeth Leol Cymru fel Comisiwn Democratiaeth a Ffiniau Cymru, a rhoi iddo'r swyddogaeth o adolygu ac adrodd ar ffiniau etholiadol y Senedd.
- Cynyddu uchafswm nifer y comisiynwyr y caniateir eu penodi i Gomisiwn Democratiaeth a Ffiniau Cymru i saith (a gwneud darpariaeth gysylltiedig mewn perthynas â phersonau na chaniateir eu penodi'n aelodau o Gomisiwn Democratiaeth a Ffiniau Cymru, ei brif weithredwr, neu gomisiynwyr cynorthwyol, ac mewn perthynas â chworwm).

Mae'r Memorandwm Esboniadol i Fil Senedd Cymru (Aelodau ac Etholiadau) yn egluro bod y darpariaethau yn y Bil wedi'u llunio i adlewyrchu nid yn unig y swyddogaethau ychwanegol y bydd Comisiwn Ffiniau a Democratiaeth Leol Cymru sy'n bodoli ar hyn o bryd yn eu cyflawni o ganlyniad i'r Bil hwn, ond hefyd y rhai a fydd yn cael eu rhoi iddo yn sgil y Bil Etholiadau a Chyrff Etholedig (Cymru). Rydym yn deall y bydd y rhain yn cynnwys:



- Sefydlu Bwrdd Rheoli Etholiadol at ddiben cyflawni swyddogaethau gweinyddu etholiadol, gan gynnwys cyfarwyddiadau a chynngor i Swyddogion Canlyniadau a Swyddogion Cofrestru Etholiadol.
- Y swyddogaethau a gyflawnir ar hyn o bryd gan Banel Annibynnol Cymru ar Gydnabyddiaeth Ariannol.

Yn ystod y sesiwn dystiolaeth ar 9 Tachwedd 2023, rhybuddiodd Bwrdd Rheoli Etholiadol yr Alban a Boundaries Scotland ynghylch y cynnig yn y Bil Etholiadau a Chyrff Etholedig (Cymru) y dylai Bwrdd Rheoli Etholiadol statudol Cymru fod yn rhan o swyddogaethau Comisiwn Democratiaeth a Ffiniau Cymru. Ar 15 Tachwedd 2023, dywedodd Bwrdd Cydlynu Etholiadol Cymru pe bai trefniadau priodol yn cael eu rhoi ar waith, y gallai fod yn briodol sefydlu Bwrdd Rheoli Etholiadol i Gymru o fewn Comisiwn Democratiaeth a Ffiniau Cymru.

Yn gywir



David Rees AS

Cadeirydd y Pwyllgor Biliau Diwygio

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg. We welcome correspondence in Welsh or English.

Eitem 7

Yn rhinwedd paragraff(au) iv o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon