

Agenda – Y Pwyllgor Llywodraeth Leol a Thai

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| Lleoliad: | I gael rhagor o wybodaeth cysylltwch a: |
| Ystafell Bwyllgora 2 | Catherine Hunt |
| Dyddiad: Dydd Mercher, 15 Tachwedd 2023 | Clerc y Pwyllgor 0300 200 6565 |
| Amser: 09.00 | SeneddTai@senedd.cymru |

Rhag-gyfarfod (08.45 – 09.00)

- 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau**
- 2 Y Bil Etholiadau a Chyrff Etholedig (Cymru) – Sesiwn Dystiolaeth 1**
(09:00 – 10:00) (Tudalennau 1 – 26)
Dr Christine Huebner, Darlithydd mewn Gwyddorau Cymdeithasol Meintiol,
Prifysgol Sheffield
Egwyl (10.00 – 10.15)
- 3 Y Bil Etholiadau a Chyrff Etholedig (Cymru) – Sesiwn Dystiolaeth 2**
(10:15 – 11:15) (Tudalennau 27 – 54)
Jess Blair, Cyfarwyddwr ERS Cymru
Dr Nia Thomas, Swyddog Ymchwil ac Ymgyrchoedd, ERS Cymru
Megan Thomas, Swyddog Polisi ac Ymchwil, Anabledd Cymru
Liz Williams, Rheolwr Polisi a Materion Cyhoeddus, RNIB Cymru
Egwyl (11.15 – 11.30)
- 4 Y Bil Etholiadau a Chyrff Etholedig (Cymru) – Sesiwn Dystiolaeth 3**
(11.30 – 12.15)
Ruth Coombs, Pennaeth Cymru, y Comisiwn Cydraddoldeb a Hawliau Dynol



5 Papurau i'w nodi

(Tudalen 55)

5.1 Y Bil Ffyniant Bro ac Adfywio – Llythyr gan Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

(Tudalennau 56 – 57)

5.2 Y Bil Ffyniant Bro ac Adfywio – Llythyr gan Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad at y Gweinidog Newid Hinsawdd

(Tudalennau 58 – 60)

5.3 Bil Etholiadau a Chyrff Etholedig (Cymru) – Llythyr gan Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad

(Tudalennau 61 – 96)

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

7 Y Bil Etholiadau a Chyrff Etholedig (Cymru) – Trafod y dystiolaeth (12.15 – 12.30)

Mae cyfyngiadau ar y ddogfen hon

Response to the Consultation on the electoral administration and reform White Paper - Written evidence

Dr Christine Huebner (Lecturer, University of Sheffield), Dr Katherine A. Smith (Research Fellow, University of York), Dr Thomas Loughran (Lecturer, Lancaster University), Dr Jan Eichhorn (Senior Lecturer, University of Edinburgh), and Dr Andrew Mycock (Reader, University of Huddersfield)

This submission builds on evidence from original research carried out as part of the UK Democracy Fund-funded project 'Making Votes-at-16 work in Wales' led by Dr Christine Huebner¹ and the Leverhulme Trust-funded project 'Lowering the Voting Age across the UK' led by Dr Andrew Mycock.² The research project generated evidence on the lowering of the voting age to 16 in Wales and how young voters aged 16 and 17 experience and participate in elections, based on focus groups with diverse groups of young people aged between 16 and 22; election diaries kept by young people in the weeks around the 2021 Senedd elections; interviews with politicians, policy-makers, representatives of Welsh youth organisations, electoral registration officers, and youth workers; and analysis of survey and archival data.

We welcome the consultation and the opportunity to submit evidence. Our submission is made with a view to electoral administration that supports and benefits the participation of 16- and 17-year-old first-time voters and young voters throughout their transitions into adulthood. This submission is in response to the questions 1 (on general principles), 3, 8, 11, 12 (on an all-Wales database and voter registration), 45 and 46 (on supporting voter participation).

General principles for electoral reform

In response to Question 1

1.1 Evidence from research with young people in Wales supports principles for electoral reform that centre on, in particular, equity and accessibility as well as on improving citizen experience and simplicity. Focus groups with 16- and 17-year-olds showed that first-time eligible voters face a number of barriers to turning out to vote in elections and that, as a consequence, some perceive voting as complicated and inaccessible.³ In particular young people who do not receive much family support in overcoming these barriers often reported dropping off their journeys from first-time voters to developing a lifelong habit of participation, leading to inequalities in youth voter engagement.⁴

1.2 Efforts for electoral reform should additionally follow a principle of long-term responsiveness. Our focus groups demonstrate that often young people feel that the electoral process (and its role within the political system more generally) is not sufficiently responsive to their needs and priorities. Young people have expressed the opinion that they are engaged with in a superficial and top-down manner.⁵ Embedding the principle of responsiveness would ensure these concerns are prioritised within future planning.

¹ Huebner, C., Smith, K., Mycock, A., Loughran, T. & Eichhorn, J. (2021). *Making Votes-at-16 Work in Wales: Lessons for the Future*. Nottingham: Nottingham Trent University. Accessible at http://www.ukvotingage.co.uk/wp-content/uploads/2021/11/Huebner-et-al_2021_Making-Votes-at-16-work-in-Wales.pdf

² Loughran, T., Mycock, A., & Tonge J. (2021). *The 'Welsh Way' to Votes-at-16*. University of Huddersfield.

Accessible at <http://www.ukvotingage.co.uk/wp-content/uploads/2021/07/The-Welsh-Way-to-Votes-at-16.pdf>

³ Loughran et al., (2021), p. 8.

⁴ Huebner et al. (2021), p. 14.

⁵ Huebner et al. (2021), p. 12. See also Loughran et al., (2021), p. 9.

1.3 Narrative plays a key part in demonstrating the 6 proposed principles, plus the proposed seventh, responsiveness, to first-time voters and in establishing voting as a normalised habit. Conceptualising youth voter engagement as a ‘journey’ from first-time eligible voter to developing long-term habits of participation⁶ allows reform efforts to address barriers to voting strategically and with targeted interventions to respond to young people’s changing needs as voters, instead of being responsive to the immediate context of electoral engagement only.

Recommendation:

1A. Add responsiveness as a 7th principle for electoral reform to embed in reform efforts that electoral processes are a form of two-way exchange between citizens and political actors (both politicians and administrators), something that is particularly important for young people whose needs as voters will often be changing over time.

Simplify electoral registration and the introduction of an All-Wales database

In response to questions 3, 8, 11, and 12

2.1 One of the largest barriers to young people’s participation in elections currently is voter registration. Focus groups with 86 young people from across Wales showed that many of the 16- and 17-year-olds first eligible to vote in 2021 were not aware of the need to register to vote, did not receive or not open official communication on registering to vote, or were not able to register to vote without additional support (e.g., not knowing that they needed National Insurance numbers).⁷ Disparities in the level of support young people received from family members and in the approaches local councils chose to welcome young people to the vote led to big differences in the number of young people registered to vote in different local areas and ultimately to inequalities in voter participation among 16- and 17-year-olds across local areas and families.⁸

2.2 The introduction of automatic voter registration and an all-Wales database would have a positive impact on the electoral process for young voters and contribute to the long-term success of Votes-at-16 in Wales by offering opportunities to remove this barrier to electoral participation as well as one source of inequality in voter registration, geographical inequality. An all-Wales database could further play an integral role in ensuring young people are supported and do not need to register to vote throughout their transitions into adulthood, as it allows young people to stay on the electoral roll and to look up if and where they are registered to vote once they move out of the parental home.

2.3 Concerns about the protection of personal data for under-age 16- and 17-year-olds, or alternatively, the maintenance of multiple electoral rolls, have been raised by EROs in connection with Votes-at-16.⁹ Automatic voter registration and the introduction of an all-Wales database could simplify the administration of multiple electoral rolls, because people can be automatically placed on the ‘minors’ electoral roll when 16 and then transferred to the main electoral roll at 18. This would improve data security and make the management of elections especially for 16- to 18-year-olds more efficient.

⁶ Huebner et al. (2021). Young People’s Voting Journeys. An interactive infographic for each stage of young people’s voting journeys. Accessible at <http://www.ukvotingage.co.uk/votingjourney/>.

⁷ Huebner et al. (2021), p. 10.

⁸ Ibid., p. 10. See also Barker, M. & Flint, R. (5th May 2021). Welsh elections: At least 35,000 young people not registered to vote. BBC News. Accessible at: <https://www.bbc.co.uk/news/uk-wales-politics-56919775>.

⁹ Loughran et al., p. 7.

2.4 Registration of students whilst enrolling at universities offers an additional way to capture young eligible voters, though with a relatively high administrative burden on students (when coupled with enrolment this falls into a period that is traditionally busy and overwhelming particularly for new students), university staff, and EROs. As a singular measure, it is late to address young people as voters (who may be eligible to vote in Welsh elections well before going to university) and will likely lead to increased inequality in voter participation, as the practice does not address young people who choose not to go to university. The introduction of an all-Wales database would require that only students who move to Wales for higher or further education register to vote (as Welsh students would already be on the electoral roll), limiting the administrative effort required to implement this student voter registration and balancing its impact on inequality.

2.5 Potential negative impacts of automatic voter registration and an all-Wales database will be a lack of awareness among 16- and 17-year-olds of their enrolment and eligibility to vote and the confusion around the differences in registration processes for different elections, notably Welsh vs. UK-wide and PCC elections. Our research finds that the parallel administration of Senedd and PCC elections in May 2021 caused substantial confusion among first-time voters, who did not understand the differences in electoral administration.¹⁰ Similar confusion is likely after the introduction of automatic voter registration and young voters may not know that they need to register for elections not covered by Welsh legislation.¹¹

2.6 Any pilot project of automatic voter registration before an all-Wales rollout should therefore include awareness raising measures to ensure 16- and 17-year-olds are firstly, aware they are registered and eligible to vote and secondly, recognise the differences in electoral administration for Welsh and UK elections. Pilots should test what kind of awareness raising programmes are more likely to encourage young people to be aware and able to use look-up functions to check their registration and, ultimately, to vote in Welsh elections. It could be piloted how effective it is for schools and colleges to host formal events recognising young people who were placed on the electoral roll.

Recommendations:

- 2A.** Remove practical barriers to voting that are specific to newly enfranchised voters by introducing automatic voter registration and an all-Wales database, incl. an electoral roll for minors and automatic transfer to the main electoral roll at age 18;
- 2B.** Introduce registration for further and higher education students as an additional measure, addressing only students who have not previously been placed into an all-Wales database, e.g., because they moved to Wales to go to university or college;
- 2C.** Before an all-Wales rollout, pilot awareness raising measures to ensure 16- and 17-year-olds are aware they are registered and eligible to vote, and only in Welsh elections.

Supporting voters to participate in elections

In response to questions 45 and 46

3.1 Adequate voter information presents a barrier to the electoral participation of 16- and 17-year-olds. In our research, several young people reported deciding not to vote, because they did not feel they had enough information to confidently make a political choice.¹² As first-time voters, many 16- and 17-year-olds are likely to not yet have established patterns of

¹⁰ Huebner et al. (2021), p. 24.

¹¹ Ibid., p. 11.

¹² Ibid., p. 11.

partisanship. This highlights the need to ensure that young voters are adequately informed about candidates and political parties' positions and policies. Youth workers stressed the need to have a place, e.g., one online platform, where young people (and the groups that work with them) can gain authoritative information about candidates and party platforms.¹³ An online voter information platform could address this issue by presenting information about candidates and party platforms in ways that are relevant to young voters.

3.2 Information on any voter information platform must be presented in an accessible way and in a language which provides clarity and highlights issues that are relevant to young people. Candidates and political parties are best placed to supply voter information directly to a platform. However, our research in the context of the 2021 Senedd election showed that political parties were not able to deliver voter information in ways that was adequate for and relevant to most 16- and 17-year-olds. Youth engagement workers criticised the lack youth-specific voter information materials from political parties.¹⁴

3.3 Therefore, candidates and political parties who submit information to an online voter information platform should be supported by a dedicated board of young people, for example through existing structures and members of the Welsh Youth Parliament. Information can be co-produced by candidates/political parties and this board of young people, ensuring it is relevant to and adequate for most young people. The board of young people could further review submissions for their relevance to and understanding by young people and would have the power to ask for resubmissions and clarifications in cases where this failed.

Recommendations:

- 3A.** Introduce a voter information platform providing authoritative information about candidates and political parties' positions and policies in one easily accessible place online that allows young people to access this information in an accessible way with adequate language and formats;
- 3B.** Instate a young people's board that supports candidates and political parties with the submission of adequate information, by co-producing voter information, reviewing submissions, and that has the power to ask for resubmissions.

Modernising Welsh elections - Advance voting

In response to question 66

4.1 Advance voting and the opportunity to vote in schools and colleges can alleviate some practical barriers to voting for 16- and 17-year-olds giving them additional opportunities to turn out to vote, though it is important to acknowledge that young people face other barriers to voting that are not addressed by either of these measures (see 2.1 and 3.1). The sizable effect of these measures, in particular of advance voting, may be small and should be evaluated carefully before an all-Wales rollout.

4.2 Research finds that young people who did not have a family member encourage or accompany them to the polling station often reported not having turned out to vote in the 2021 Senedd election.¹⁵ Opportunities to vote in schools, in particular when they are incorporated

¹³ Huebner et al. (2021), p. 12.

¹⁴ Ibid., p. 12.

¹⁵ Huebner et al. (2021), p. 14.

into the school day, can address this issue for 16- and 17-year-olds who are in full-time education by providing an additional opportunity and a familiar environment to vote in.

4.3 In the context of the 2021 Senedd election, a number of 16- and 17-year-olds further referred to pressures from the timing of school assessments as a barrier that kept them from turning out to vote.¹⁶ Advance voting, particular when it is sensitive to scheduled exam diets, can give young people further opportunities to turn out to vote, although it is unclear how many young people face this barrier and would take up advance voting opportunities.

9 January 2023

Name

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Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

¹⁶ Huebner et al. (2021), p. 14.



**Elections and Elected Bodies (Wales) Bill written evidence
November 2023
ERS Cymru**

ERS Cymru warmly welcomes the Elections and Elected Bodies (Wales) Bill. We support the idea of bringing elections in Wales into the modern age and the aim of removing barriers for voters. It is right that with devolution of elections to Wales, we consider how we can create a democracy that really works for the people of Wales.

It is important that this legislation is seen as a wider package of democratic reform with the Senedd Cymru (Members and Elections) Bill and any forthcoming legislation around gender quotas.

We have outlined our views on some of the main areas of the Bill below.

***Electoral Management Board of the Democracy and Boundary Commission
Cymru***

Wales currently lacks a specific body to oversee democracy. While the Welsh Government and the Senedd as an institution both undertake a number of activities around elections and engagement with the public, oversight should be at an arm's length basis. This could be in a body that would take a strategic view on democracy including at elections. The creation of the Democracy and Boundary Commission Cymru (DBCC) in the Senedd Cymru (Members and Elections) Bill has the potential to fill this gap.

We have previously called for the creation of an Electoral Management Board (EMB) and are pleased to see provisions for its establishment in this Bill. It is logical that the EMB should sit within the DBCC.

One thing that will be key to the success of the new EMB, and indeed the DBCC, is engagement with stakeholders and partners. Since the extension of the franchise multiple networks have been established to bring together partners working with newly enfranchised groups or those less likely to be registered to vote. ERS Cymru

coordinates the Democracy Group Cymru, a network of about 50 organisations across Wales, which works to bring together organisations undertaking activities around democracy and elections and to share best practice and developments. The Welsh Government also convenes a Democratic Engagement Partnership Group. While these groups may or may not continue with the creation of the DBCC and the EMB, it is vital that these kinds of networks continue to exist. For example, the legislation provides for the EMB to be made up of a Commissioner from the DBCC (to act as Chair), with further members consisting of EROs and ROs. We do not take issue with this but the board's engagement with the third sector, who often represent groups that are either newly enfranchised or less likely to be registered, will be vital. A joined up approach should be taken.

In terms of the functions of the EMB, as we set out in our response to the Welsh Government's White Paper on Electoral Reform and Administration in January 2023 - data collection and publication should be one of its responsibilities.¹ The publication of election results data in Scotland is currently far more consistent than that in Wales. For example, after the 2022 local elections, local authorities in Scotland published their election results data using the same proforma, whereas in Wales the data published was in a different format across all 22 local authorities. Data publication is one area where we think an Electoral Management Board for Wales could take a pan-Wales approach. Taking a standardised approach would mean results are clearer and all of the relevant data is published by all local authorities. It would also provide a location to publish overall results data, as the EMB for Scotland currently does.

Electoral registration without application

We warmly welcome the provisions in the legislation to provide for electoral registration without application. Simplifying electoral registration for voters will go a long way in removing barriers to our democracy. As the Electoral Commission have found, around 260,000 eligible electors in Wales are not registered to vote, just shy of 10%.² Data also shows that some groups are less likely to be registered than others, with young people, EU nationals and people who have recently moved house and those in the private rental sector among the least likely.³

Registering eligible electors without application will level the playing field but it is vital that automatic registration is administered effectively. As such, we welcome the idea of a pilot and evaluation period.

¹ <https://www.electoral-reform.org.uk/latest-news-and-research/parliamentary-briefings/response-to-the-welsh-governments-electoral-reform-and-administration-white-paper-consultation/>

² <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/electoral-registration-great-britain-2022>

³ <https://www.electoralcommission.org.uk/who-is-registered>

There are many questions that can be addressed during this period. While we note a Notice of Registration will be sent to eligible electors when they are added to the register, it is unclear when people will expect these notices. Given this, it is important that Ministers set out how people will be aware if they have been missed from the application without a registration process? We have previously called for an accessible and easy way to check if you are registered, ideally through an online portal and would hope that a way to deliver this is developed.

We would also suggest that ahead of any devolved elections a letter should be sent out reminding each individual that they are registered, of the election date and signposting people to further information ahead of casting their vote. A similar letter is sent to residents in Estonia, where AVR is used, ahead of elections. We have provided a copy of the most recent letter to the Committee alongside this written evidence.

We strongly agree with the removal of the open register in relation to devolved elections. The combination of an AVR system and an open electoral register would increase opportunities for fraud and the undermining of privacy due to the larger possibility of data linkages to be made between Personally Identifiable Information held on the systems. Moreover, the sale of the open electoral registers is currently common practice and should be curtailed due to potential for misuse and privacy infringements. The removal of the open register under AVR would mitigate these dangers. The data of people who are registered to vote should not be for commercial sale and should not turn a profit. The data provided is given in good faith so that a member of the populus can take an active part in the democratic process of voting.

The provisions in the Bill to allow application for anonymous registration during the 45 day notice period are essential to ensure anonymous registration is still possible under a system without application. It is vital that information on how to apply for anonymous registration is clear and the process is as simple as possible. It is unclear from the Bill and accompanying Explanatory Memorandum whether anonymous registration would need to be re-applied for on a yearly basis, as is the current method under the current Individual Electoral Registration process, and whether the current procedure of Electoral Registration Officers sending a yearly reminder to reapply for anonymous registration would remain in place for those anonymously registered.⁴ These processes and safety nets become ever more crucial under an AVR system and thus communication is key, especially as some of those affected may have simply avoided registering to vote previously.

There is little information currently available about what form the pilot, or pilots, on automated registration would take. We would welcome further information around this as soon as possible. It could be useful to undertake pilots which target

⁴ <https://www.electoralcommission.org.uk/i-am-a/voter/register-vote/register-vote-anonymously>

traditionally under-represented groups and those that will likely be hard to register or verify the identification of, for example private renters, students and people with no fixed abode. It would be beneficial to assess how well AVR works in these contexts. AVR could also be piloted within a local authority area and then comparisons made between the completeness of the register there to a non AVR using local authority.

Welsh elections piloting

We have long welcomed the idea of piloting and testing different electoral innovations in Wales. Many countries across the world take a different approach to democracy and further pilots in Wales will allow for us to explore whether such innovation would strengthen Welsh democracy. The pilots in 2022, although limited in number and geographical spread, demonstrated that processes such as electronic registers allowing a vote to be cast outside of a voter's regular polling station, and having a polling station open for numerous days rather than just election day, could be delivered. It is now time to build on this experience.

The provisions for further pilots in the Elections and Elected Bodies Bill go further than the existing provisions in the Local Government and Elections (Wales) Act 2021. We welcome this development as this legislation is much more comprehensive and allows for a broader range of pilots to be undertaken. We also welcome the stronger provisions around who can suggest pilots, which allows for much more oversight and collaboration.

The power to compel a pilot is something we also support. All four of the local authorities who opted to take part in the advance voting pilots in 2022 were from the more urban areas of south central and south east Wales and were fairly small in terms of land-area.⁵ A power direction that would enable Welsh Ministers to compel a local authority to pilot electoral innovations would be a good tool in widening the areas involved and ensuring a balance across the geographies and demographics of the 22 Welsh local authorities.

Pilots to solve specific issues, for example increasing voting options in the more dispersed rural communities of Wales, could be targeted to those local authorities that would provide the best fit. Support and resources would need to be made available so that no local authority was disadvantaged by being involved in future pilots. It is also key that compelling a pilot is not the first port of call in terms of working with a local authority to ensure a pilot is held. Conversations with local authorities should be constructive and begin much earlier in the electoral cycle than ahead of the 2022 elections.

⁵ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/advance-voting-pilots-evaluation>

The challenge with changing the way that people can vote will always be how best to communicate it to the public. During the 2022 pilots, given the small number of areas taking part and the short time scale for planning, it was difficult to communicate to people that they had the chance to vote in different places and on different days. Indeed only 22-30% of people reported they were aware they could vote before election day across the pilot areas, according to the Electoral Commission.⁶ If this was rolled out in further, larger pilots or on a national scale it would require a much larger communications campaign, which in theory could be easier given it could be more widely targeted. A communication campaign should also begin much earlier in the electoral cycle. The voter information platform also provided for in this legislation should contain information on this, for example plugging into an extension of the Democracy Club's '[where do I vote?](#)' platform.

In evidence to the Committee on the 26th October the Counsel General confirmed there would be no pilots before 2026 except for pilots around automated registration. It would be useful to get an insight into whether there will be further pilots at the elections in 2026 and 2027.

Place a duty on Welsh Ministers to put arrangements in place aimed at improving diversity within the Senedd and local government members

Overall, we support the measures to improve diversity in elected office within this Bill. We look forward to the introduction of legislation around gender quotas, to see what other areas are in consideration in relation to diversity.

Duty to assist disabled voters

We support the principle of additional duty being placed on the Electoral Commission with respect to reporting on the steps taken by ROs at elections to assist disabled people at Senedd and local government elections in Wales. However, the Commission should properly engage with disabilities organisations and disabled voters to assess how this can best be done in practice. It is important that these changes are communicated effectively to those who will be affected so that they know more support is available.

We also support secondary legislation to provide equipment to support disabled people being able to vote independently and believe the guidance to do this should be co-produced with those key stakeholders affected by such legislation.

There is also a question of whether the voter information platform contained in the Bill would be able to host information on the accessibility of polling stations or the equipment provided at individual stations. This could streamline access to information for disabled voters.

⁶ *Ibid.*

Diversity of representation in elected office

We welcome the provisions in section 29 of the legislation to formalise what is currently referred to as the Access to Elected Office Fund. Disabled candidates can incur additional costs and need additional support when standing for elected office. So, a scheme for financial assistance to help disabled candidates overcome barriers must continue. We hope that the scheme can build upon the success of the 2021 and 2022 pilots and take forward the recommendations of the review of the fund, published this July.⁷

Section 29 of the Bill also provides for schemes of financial assistance to be put in place to support others with specified characteristics or circumstances. We support this broadening of criteria for financial support and have long called for an extension of the Access to Elected Office Fund or the introduction of a similar, wider scheme. For example, covering childcare costs during a campaign would be useful for those with childcare responsibilities. An assessment of which costs provide barriers for candidates should be undertaken and it would be helpful to get an assessment from the Welsh Government on what particular schemes they may be considering ahead of the 2026 and 2027 elections.

More broadly, in relation to section 28 of the legislation, we support the duty being placed on Welsh Ministers to put in place provisions to improve the diversity and representation of elected representatives in Wales. We also welcome coaching and mentoring being specifically stated as an area of support in the Bill. Schemes like the Equal Power Equal Voice programme have a key role in encouraging a much wider range of people to stand for election.

One thing that will be critical in improving the diversity of representation in elected office in Wales is going to be the provision of data. Data collection must be improved to understand where gaps currently lie and where progress is being made. We explore this point further in our evidence relating to the flexibility of the local government candidate survey, and we await further details on what measures are likely to be within the forthcoming legislation around gender quotas on this. A survey or collection of data around Senedd candidates is also vital and we hope this will be included in some way in the forthcoming legislation.

Allowing more flexibility for the local government candidate survey

We strongly agree with the provisions to improve the flexibility of the local government candidate survey by removing the requirement for the specific wording and format of the survey to be in the regulations. The last local government

⁷ <https://www.gov.wales/review-access-elected-office-fund-wales-pilot>

candidate survey in Wales only had an overall return rate of 12% with 19% for county council candidates.⁸ The low response rate was partly due to the survey being delayed as a result of the extra complexities in amending it given the wording provided for in the regulations.

Measures should also be taken to increase its take up. We are unclear at present whether measures to collect better candidate data will be in forthcoming legislation around gender quotas. We have long argued that the collection and publication of candidates' demographic data is vital in measuring the effectiveness of provisions to increase the diversity of our elected representatives. If these measures are contained in the forthcoming legislation then we would welcome information on how that would interact with the local government candidates survey. If those measures are not contained in the forthcoming legislation, or are not as strong as we would like in terms of requiring candidates share or parties collect this information, much more must be done to improve the uptake of the local government candidate survey. A similar survey should also be developed for Senedd elections.

Require a voter information platform that can host candidate and voter information for Senedd and ordinary principle council elections

Following the 2022 local elections the Democracy Group Cymru, facilitated by ERS Cymru and the Politics Project, held a workshop with members to identify what measures could be introduced to boost engagement in devolved elections in Wales. Many of the recommendations co-produced at this session were around voter information and education. While many different organisations across Wales produce a range of really good resources on democracy and elections, there is no one place that voters can go to easily access all of this information.

A voter information platform would provide that 'one stop shop' for voters to view information around elections on an accessible and easily searchable site, for example on a 'vote.wales' specific url.

In terms of what information this site should contain or signpost to, there are a number of particular areas we know voters would like more information on.

Those basic areas would be:

- Registration- how to register to vote, or in the case of a rollout of automated registration, signposting on how to check if you are registered
- What the election is about- e.g. what the Senedd does, how it relates to Welsh Government and the role of Members of the Senedd
- Who the candidates are- linking to personal statements

⁸ https://www.gov.wales/sites/default/files/statistics-and-research/2023-03/local-government-candidates-survey-2022_0.pdf

- The process of casting a vote- polling station locator, different voting options and what to expect in each (e.g. what to expect in a polling station and how to cast a vote there)
- Where to seek advice and support- this would be particularly useful for questions about accessibility

Some of this information already exists, for example the Democracy Club hosts a polling station finder and a search tool to find out who your candidates are.⁹ [The Electoral Commission](#) and the [Senedd](#) have some good resources on different elections. The [Democracy Box](#) has also outlined the story of democracy that every citizen should know. The voter information platform should bring all of this together in one place.

Given some of the information required is already available, a mapping exercise would be hugely helpful in planning the voter information platform. The [Politics Project](#) would be worth engaging in this mapping as they collate many of the existing resources at election time. Discussions with providers of the existing information should also take place to allow for collaboration- this platform should take a partnership approach.

We have also seen some testing of ideas in some local authorities that we believe could be worthwhile rolling out. For example in Merthyr for the local elections in 2022 a candidate statement, saying who the candidates were and why they wanted to be a councillor was available for many of the candidates. Building on the work of the Democracy Club's <https://whocanivotefor.co.uk/> site, which holds some candidate statements, however the amount varies by area, would be really useful if rolled out on a national level. While this is something we support we are also aware of the risks in terms of what candidates might want to put online there in some cases. As such, guidance should be produced, for example on what candidates statements should contain and not contain, word lengths and formats.

In light of these organisations already having a lot of the content that would be useful for a voter information platform, whoever leads on the delivery of the platform should engage with these stakeholders in the platform's development.

There is also a question of who runs and manages this platform. Currently the Bill places a duty on Welsh Ministers to provide for the establishment and management of a voter information platform. In practice this could be delivered by the DBCC or elements could be managed by an EMB.

In summary, we are really pleased to see provisions around a voter information platform within the Bill. We strongly believe this can be an iterative process, ideally in place for the 2026 and 2027 elections that can be built upon. Considerations should also be made about how those who are digitally excluded can access better voter information ahead of an election. As such, we welcome provisions in the legislation that the information on the platform can be available other than by electronic means. Our recommendation for an additional one pager containing information for voters to

⁹ <https://wheredoivote.co.uk/>

be sent to every eligible voter ahead of the election, as takes place in Estonia, would go a long way to complimenting an online resource. Taken together, these measures would provide a comprehensive set of information and signposting for voters ahead of any election.

Hold candidates and agents accountable for notional expenditure only where directed or authorised, and clarify third party campaigning rules

We note that these changes will bring the devolved arrangements in line with changes at a UK level that were made in the UK Government's Elections Act 2022.

We were disappointed that measures to tighten the regulation of political finance - as recommended by the Committee on Standards in Public Life 'regulating election finance' report¹⁰ - were not included in the Elections Act 2022.

It is important that there is a robust and transparent regime for political finance that applies to both parties and campaigners without stifling democratic debate and participation. To that end we support the recommendations of the CSPL and would like to see them implemented at a UK level.

However, we also recognise that there is the potential for confusion if the regulatory framework differs for different elections. Whilst we would like to see more done at the UK level, these changes make sense in terms of ensuring consistency across elections.

Additional comments:

STV

While we have welcomed this Bill and its efforts to remove barriers that voters face, there is one big reform missing from this legislation that could really transform Welsh democracy. The current voting system for local authority elections is not fit for purpose and reform to the local government voting system is sorely needed.

While councils are now able to vote to move to the Single Transferable Vote (STV), the specific requirements to do this ensure that only the status quo is incentivised. Councils will have to incur their own costs to move to STV at present.

There are significant issues with Welsh local democracy including uncontested seats, disproportionate results and ultimately voters feeling they lack choice. Unless a full reform of the voting system for local elections in Wales is commenced these issues will remain despite the positive changes contained in this legislation.

10

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999636/CSPL_Regulating_Election_Finance_Review_Final_Web.pdf

Communications

As we have said in our evidence regarding the Senedd Cymru (Members and Elections) Bill it is crucial that after the legislation is passed communication to voters around the changes is going to be vital.

Joined up and clear communication of the changes coming in ahead of the 2026 Senedd elections are crucial in ensuring that people are being brought along in that journey. This will involve working across the Elections and Elected Bodies (Wales), Senedd Cymru (Members and Elections) Bill and the forthcoming bill on gender quotas to provide a clear narrative that covers all of the changes to Welsh democracy for voters.



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 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



VOTER'S CARD

Address

WHO HAVE BEEN NOMINATED FOR THE EUROPEAN PARLIAMENT?

| | |
|-----------------------------------|--|
| Erakond Eesti 200 | 101 Lauri Hussar, 102 Kristina Kallas, 103 Margus Tsahkna, 104 Liina Normet, 105 Igor Taro, 106 Triin Saag, 107 Kaupo Kutsar, 108 Kristiina Tõnnisson, 109 Marek Reinaas |
| Erakond Eestimaa Rohelised | 110 Evelin Ilves, 111 Peep Mardiste, 112 Züleyxa Izmailova |
| Sotsiaaldemokraatlik Erakond | 113 Marina Kaljurand, 114 Sven Mikser, 115 Ivari Padar, 116 Eiki Nestor, 117 Katri Raik, 118 Triin Toomesaar, 119 Marianne Mikko, 120 Monika Haukanõmm, 121 Indrek Tarand |
| Isamaa Erakond | 122 Riho Terras, 123 Jüri Luik, 124 Viktorija Ladõnskaja-Kubits, 125 Tõnis Lukas, 126 Mihhail Lotman, 127 Kätlin Kuldmaa, 128 Tarmo Kruusimäe, 129 Urmas Reinsalu, 130 Tunne-Välto Kelam |
| Eestimaa Ühendatud Vasakpartei | 131 Julia Sommer |
| Elurikkuse Erakond | 132 Artur Talvik, 133 Lauri Tõnspoeg, 134 Mihkel Kangur |
| Eesti Reformierakond | 135 Andrus Ansip, 136 Taavi Rõivas, 137 Urmas Paet, 138 Maris Lauri, 139 Kalle Palling, 140 Yoko Alender, 141 Vilja Toomast, 142 Airis Meier, 143 Hanno Pevkur |
| Eesti Konservatiivne Rahvaerakond | 144 Mart Helme, 145 Martin Helme, 146 Henn Põlluaas, 147 Anti Poolamets, 148 Peeter Ernits, 149 Toivo Tasa, 150 Maido Pajo, 151 Urmas Reitemann, 152 Jaak Madison |
| Eesti Keskerakond | 153 Yana Toom, 154 Enn Eesmaa, 155 Aadu Must, 156 Vadim Belobrovstsev, 157 Anneli Ott, 158 Erki Savisaar, 159 Andrei Korobeinik, 160 Taavi Aas, 161 Igor Gräzin |
| Independent candidates | 162 Erik Orgu, 163 Harry Raudvere, 164 Raimond Kaljulaid, 165 Argo Mõttus, 166 Maria Kaljuste |

WHEN AND HOW CAN I VOTE?

EUROPEAN PARLIAMENT ELECTIONS 2019

| Th 16.05 | Fr 17.05 | Sa 18.05 | Su 19.05 | Mo 20.05 | Tu 21.05 | We 22.05 | Th 23.05 | Fr 24.05 | Sa 25.05 | Su 26.05.2019 |
|---|-------------|-------------|-------------|--|-------------|-------------|-------------|-------------|-------------|--|
| ADVANCE VOTING | | | | | | | No voting | | | ELECTION DAY |
| Advance voting in county towns 12 a.m - 8 p.m. | | | | Voting at voting districts 12 a.m - 8 p.m. | | | | | | Voting at voting districts 9 a.m. - 8 p.m. |
| Online voting www.valimised.ee 9 a.m. - ... | | | | | | | | | | Voting at home |

TO WHOM HAS THIS VOTER'S CARD BEEN SENT?

NAME OF THE VOTER:

YEAR OF BIRTH:

GIVEN NAME SURNAME

Year of birth

IF THIS CARD INCLUDES A VOTER, WHO DOES NOT LIVE HERE: A voter's card is sent to the address of the place of residence of a person as entered in the Population Register. One voter's card may contain up to 10 residents. If a person mentioned on the card does not live at your address, please contact your local government for his or her place of residence data to be amended in the Population Register.

IF SOMEONE IS MISSING FROM THE VOTER'S CARD: This could be because:
1) his or her official @eesti.ee e-mail address is re-directed to his or her everyday e-mail address and he or she receives an electronic voter's card,
2) he or she is not registered at this address and he or she is sent a voter's card to the address of the place of residence entered in the Population Register.

WHERE CAN I VOTE?

You have been entered in the following electoral roll for the 2019 European Parliament elections:
Local government

The number of the polling station of your place of residence is *station number*

The telephone number of the polling station is *telephone number* (used at the polling station during voting)

The location of the polling station during ADVANCE VOTING from **20 to 22 May 2019**
address

The location of the polling station on the ELECTION DAY, **26 May 2019**
address

WHAT DO I TAKE ALONG TO THE POLLING STATION?

Bring a **personal identification document** (e.g. ID card, passport, driving licence) along to the polling station.

You do not need to take bring the voter's card.

HOW CAN I ORDER A BALLOT BOX TO MY HOME?

Submit a **written application** to the rural municipality or city government or polling station of your place of residence.

On the election day you can order the box to your home also **by telephone**. For this, please

WHOM DO I NOTIFY OF ATTEMPTS TO UNLAWFULLY INFLUENCE MY VOTING DECISION?

phone your polling station until 14:00:
telephone number.

In the case of attempts to influence your voting decision with promises of property or other benefits, **immediately notify the police** (telephone 112). This way you will contribute to the integral conduct of the elections.

WHERE CAN I GET FURTHER INFORMATION ABOUT VOTING?

Polling station information:
valimised.rahvastikuregister.ee

Information in **English (EN)**, **Finnish (FI)**,
Latvian (LV), **Lithuanian (LT)** and **German**
(DE): www.siseministeerium.ee/valijakaart

Phone

631 6633

info@valimised.ee

www.valimised.ee

RNIB Cymru response to the Local Government and Housing Committee's consultation on Elections and Elected Bodies (Wales) Bill

Background

Blind and partially sighted people are still denied a secret vote. Since 2015, RNIB has asked blind and partially sighted people about their voting experiences through a series of surveys, with results published in our [‘Turned Out’](#) reports. Over that time, we’ve heard about the frustration and humiliation blind and partially sighted people face when attempting to cast their vote. More than 150 years since the Ballot Act – which guaranteed the right to vote in secret – our research continues to show that blind and partially sighted people are denied this most basic democratic right.

Despite improvements in technology, there has been little progress in voting accessibility in a generation. There is a palpable - and growing - sense of frustration, despair and resignation among blind and partially sighted people on this issue.

RNIB Cymru welcomes this opportunity to respond to the Local Government and Housing Committee's consultation. The focus of our response will be on the unintended detrimental consequences that could arise from the Bill, and what can be done to mitigate them.

Moving to a broader requirement to provide equipment

We acknowledge that amending the existing framework to reflect a new ‘broader requirement to provide such equipment’ allows opportunity for innovation and the adoption of new technologies and solutions that could reduce the unacceptable barriers faced by blind and partially sighted people before and during the voting process. With this in mind, it’s

crucial that blind and partially sighted people's right to an independent and secret vote is upheld and that Welsh Government proactively seeks out, and user tests, accessible voting solutions. We would also encourage the Welsh Government to learn lessons from other countries that have successfully implemented a more accessible voting system. For example, Australia has introduced a human assisted telephone voting model where, after pre-registering, a blind or partially sighted person can vote over the phone anonymously and therefore secretly.

We'd like to highlight that for blind and partially sighted people, it's not about 'making voting easier', but instead it's about enabling them to exercise their democratic right to vote independently and in secret - a right they're currently being denied.

During the progression of the Elections Bill, we highlighted to UK Government the postcode lottery that the proposed changes to legislation would cause by not prescribing what specific support must be made available at all polling stations. We also highlighted our concerns about blind and partially sighted people not knowing what to expect or how to obtain the adjustments they need, damaging their ability to vote independently even further. We now have the same concerns regarding the Wales Elections and Elected Bodies (Wales) Bill.

We call for a suite of accessibility options – including audio solutions - to be specified as a minimum standard. These should be guaranteed in regulation so that every person with sight loss in Wales is treated equitably and is able to exercise their right to vote independently and in secret. To avoid a patchwork of provision and no meaningful improvement in the voting experiences of blind and partially sighted people, we want to see this as an explicit legal requirement rather than relying on the interpretation of what is 'reasonable' by individual ROs.

Guidance for Returning Officers

Through our interactions with electoral staff over the years, it's clear that there is a real appetite to improve the voting experiences of blind and partially sighted voters. Returning Officers (ROs) already have duties under the Equality Act 2010 to make reasonable adjustments to enable everyone to have an equitable voting experience. The duty to make reasonable adjustments is anticipatory, meaning ROs must anticipate the needs of their voters in advance and provide adaptations

accordingly. It crucial that ROs are made aware of their responsibilities and held to account for ensuring that reasonable adjustments are put in place.

In order for blind and partially sighted people to vote in an equitable way, they should be able to:

- Review the candidates on the ballot paper without assistance
- Reliably find, and mark, their chosen candidate on the official ballot paper without assistance;
- Be in sole control of the secrecy of their vote.

In our view, audio provision – in addition to tactile provision – is essential to meet these criteria, as it is not possible to review the ballot paper, and know the order of the candidates listed, using the tactile voting device alone. In 2019, a Judicial Review found the Government’s previous provisions, referring to the use of the tactile voting device, unlawful, with the judge describing the provisions as “a parody of the electoral process” because of the inability for voters to review and mark the ballot paper independently.

Unless there is clear guidance and a minimum standard of provision at every polling station to make the visual task of voting accessible, ROs risk discriminating against blind and partially sighted people.

It is vital that the Electoral Commission equips electoral staff with the information they need to adequately support their electorate. It is therefore essential that Electoral Commission guidance reflects the experiences, needs and rights of blind and partially sighted people. We would also recommend that there is comprehensive advice on how and where ROs can source equipment, as well as advice on which piece of equipment works best. This is important as we don’t expect ROs to be accessibility experts who are aware of all the different types of technology that is available and where to source them.

It's also absolutely crucial that ROs communicate effectively with their electorate, to ensure that disabled voters know what equipment and support they can expect at polling stations.

We are concerned that ROs will only need to have ‘due regard’ to guidance issued by the Electoral Commission. As the Welsh Government’s own commissioned research into [Strengthening and Advancing Equality and Human Rights in Wales](#) found, there are clear shortcomings and deficiencies with the ‘due regard’ approach which was described as a ‘weak form of legal accountability.’

In relation to equality, public bodies can be deemed to have met their equality duties by demonstrating 'due regard' to process, whether or not inequalities have been reduced as a result. This could lead to low levels of accountability with little positive impact on the outcomes for blind and partially sighted voters. We strongly recommend that Welsh Government introduces a stronger form of accountability on ROs.

Likewise, it is possible that different ROs might interpret the guidance differently and could use their own judgement to decide what is "reasonable". This could potentially lead to a postcode lottery in terms of the equipment that's provided.

To avoid a postcode lottery, as well as ROs not meeting their duties under the Equality Act, we are in favour of any strengthened requirement which guarantees both a tactile and audio solution at every polling station, to ensure that blind and partially sighted people are guaranteed an independent and secret vote.

Training

The document states that the Welsh Government 'will work with the Electoral Commission, electoral administrators and other stakeholders to consider whether changes can be made to guidance and training for polling station staff to better support disabled people'. It is absolutely crucial that blind and partially sighted people are included in these discussions, and that meaningful engagement and co-production are at the centre of the reforms.

Training is essential and should not be seen as a 'nice to have'.

ROs must receive accessibility training to help improve awareness and their understanding of the accessibility needs of disabled voters and the barriers they face to voting independently and in secret.

ROs must also receive training on their relevant obligations as duty-bearers under the Equality Act 2010 and Human Rights Act 1998. It would also be beneficial for councillors to have a working understanding of the international human rights framework, particularly the relevant United Nations (UN) Conventions that relate to policy areas for which local authorities have responsibility. For example, local authorities are required to demonstrate due regard to the UN Convention of the Rights of Disabled People (UNCPRD) when exercising their functions in relation to social care. This is especially critical given that Welsh Government

have signalled their intention to incorporate UNCPRD into Welsh law within their Programme for Government.

Training of polling station staff is also critical in ensuring blind and partially sighted people have a positive experience at the polling station. Not only do staff need to be aware of the equipment that can support blind and partially sighted people, but they need to be confident and comfortable using that equipment.

The final point we'd like to make is that a paper-based voting system is inherently inaccessible for blind and partially sighted people, and that we believe that this needs to be recognised. If it's the Welsh Government's decision to carry out voting in a visual way, it should be their responsibility to ensure that those for whom this practice is not accessible have alternative ways to participate.

RNIB Cymru is ready to assist the Welsh Government with user testing of online, telephone and audio solutions and we hope that this can bring blind and partially sighted people closer to an independent and secret vote in the near future.

About RNIB Cymru

RNIB Cymru is the largest sight loss charity in Wales, providing support and services to blind and partially sighted people, their families, friends, and carers. We aim to improve lives and empower people to adapt to sight loss and keep their independence. We work in partnership with public, private and third sector bodies across Wales to deliver projects, training, services and give information, advice, and guidance.

We challenge inequalities by campaigning for social change and improvements to services. We believe that timely treatment should be available to all to prevent avoidable sight loss, and that the right support is there for people when prevention isn't possible. We raise awareness of issues facing blind and partially sighted people on a daily basis.

Whether you have full, some, little or no sight, everybody should be able to lead independent and inclusive lives, without facing inequity and discrimination.

For further information, please contact:

Liz Williams, Policy and Public Affairs Manager

E: liz.williams@rnib.org.uk

Paper 4 / Papur 4

Disability Wales Response to Elections and Elected Bodies (Wales) Bill

About Disability Wales

Disability Wales (DW) is the national association of Disabled People's Organisations (DPOs) striving to achieve rights and equality of disabled people in Wales.

DW promotes the adoption and implementation of the Social Model of Disability, which identifies that it is environmental, organisational, and attitudinal barriers that disable people and prevent their full participation in society, not their medical conditions or impairments.

Key Findings

- General support from individual members for voter registration without application, but test periods should include data on the number of disabled people voting.
- Financial support for disabled candidates is extremely important and previous financial support available has allowed more disabled people to stand as candidates.
- Financial support should be extended, particularly to those with caring responsibilities.
- Other resources, such as mentorship schemes and network groups, are also important for supporting disabled candidates.
- An online Welsh Elections Information Platform could be positive, should appropriate steps be taken to ensure access and that those who are digitally excluded can find the same information.

Introduction

Access to elected office and our political institutions is a vital right for disabled people. The ability to engage in these political systems forms a core part of our Article 29 rights under the United Nation Convention on

the Rights of Disabled People,¹ yet we still do not have data on the number of disabled Members of the Senedd and Town or Community Councillors.

This response is based on a survey with 28 respondents, alongside feedback from both the Access to Elected Office scheme and Equal Power Equal Voice mentorship project. Of the survey, all respondents identified as disabled, and almost all were regular voters. 25 respondents had voted in the 2021 Senedd elections and 24 respondents had voted in the 2022 Welsh Local Government elections.

Voter Registration without application

We asked our survey respondents if they agreed with the implementation of voter registration without application, 24 of the respondents said that they agreed with it, 3 respondents disagreed, and 1 had no opinion. This agreement was caveated by one respondent, who told us that they would only agree subject to ensuring the checks and balances were in place to ensure all who are registered are eligible to vote. We also asked if this would make them more likely to vote. Of the 28 respondents, 18 reported that they would be more likely to vote, 7 said that they would not be more likely to vote, and 3 respondents were not sure. When asked for comment, one disabled person who responded “Yes” wrote that they would be more likely as currently registering to vote can be difficult due to their vision impairment.

We are pleased to see that there is a proposal for pilots of this policy and do believe that it can help some disabled people who have difficulty with the paperwork that comes with registering, to be able to vote. However, we would firmly encourage that information is taken about how the implementation of this impacts disabled people and how many disabled people are voting. We would also like to stress, that although this could potentially eliminate one barrier to electoral participation, there are still numerous barriers in place which could prevent a disabled person being able to enjoy their right to vote.

Financial Support

¹ United Nations Convention of the Rights of Disabled People, “Article 29 – Participation in Political and Public Life”, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-29-participation-in-political-and-public-life.html>

Disability Wales is pleased to see a duty placed on members to source financial support for disabled candidates. Amongst our respondents, there was wide support for financial assistance schemes for disabled people, 26 out of the 28 respondents agreed with this proposal, one person cited a scheme similar to Access to Work would be useful. “Finances are almost always the largest barrier to our standing for an elected office!”² Financial barriers were cited throughout the survey as being a key reason that some disabled people cannot access elected office, we support any measure that will help eliminate this.

Disability Wales administrated the Access to Elected Office Fund on behalf of the Welsh Government. The fund “The Access to Elected Office Fund Wales exists to assist disabled people who want to stand for elected office with the additional impairment related costs that are a barrier to their participation in politics.”³ It was launched on the 15th February 2021 and ran during the 2021 Senedd elections and 2022 Welsh Local Government elections. During the 2021 Senedd Elections, the fund struggled to ensure that it would reach enough potential candidates due to the limited time, current known candidates were reached out to, one candidate told us that there was no need as their local authority had already put provisions in place. The 2021 Fund received 3 applications and supported 2 candidates, neither of whom were successful. There was positive feedback from these candidates, one saying that “the availability of the fund played a significant role in their decision to stand”. The 2022 Welsh Local Government elections had more applications, 18 disabled people applied, and 17 awards were granted. Feedback from applications showed that over 90% were either very satisfied or satisfied with the scheme. One applicant told us that “I will love to stand for Councillor again with faith that this fund would be readily available again thanks for all the help.” From the 2022 elections, 6 of 8 candidates were successfully elected to Community Council positions, no candidates were successful in Principle Council elections. Due to time constraints, the scheme did not specifically target disabled people from other protected characteristics, but over half the applicants were women and a small number of applicants were non-binary, applicants most commonly identified as White British/ Welsh/ English,

²Individual Disability Wales Member

³ Disability Wales, “Access to Elected Office Fund Wales”, <https://www.disabilitywales.org/projects/access-to-elected-office-fund-wales/>

but 17% identified as White and Asian, 8% as other mixed and 33% as any other ethnic group. Although we are working with a small sample size, we are encouraged by these numbers as they go against the usual trend of Council candidates being normally white, non-disabled men. The successes of the Access to Elected Office Fund demonstrate the real need for these schemes in Wales and for the expansion of the scheme.⁴

Disability Wales is also fully supportive of proposals to expand these financial support schemes to other groups. In particular, we are concerned that there aren't proposals for financial support for to cover the costs of providing care and support to others. The provision of this care is often heavily gendered and can be a significant expense. We believe that it would be important to look over the possibility of expanding this scheme to cover this. Most respondents were in favour of the financial support being extended, 15 of the 28 respondents supported this. When asked if both proposals would increase the number of disabled people accessing elected office, 24 respondents said that it would, no respondents said that it wouldn't help increase the number of disabled people accessing the opportunity to run for elected office.

Disability Wales also is a partner organisation of the Equal Power Equal Voice (EPEV) project. "Equal Power Equal Voice is a cross equalities partnership mentoring programme that aims to increase diversity of representation in public and political life in Wales,"⁵ we have seen success in the project encouraging disabled people to stand for office and widen their knowledge. In a testimonial, one Disability Wales mentee stated that "Standing for public office has been a long-term ambition of mine, which is also an honour and a privilege. Being part of the Equal Power Equal Voice programme has given me the platform I needed to take my interests and ambitions to the next level."⁶ We have seen that alongside the financial support, it is vital to ensure that disabled people, or anyone from a group that is underrepresented politically, have a support network in place, for example, another mentee

⁴ Disability Wales and Access to Elected Office Fund, "Review of the Access to Elected Office Fund Wales Pilot Scheme", 31st January 2023.

⁵ Equal Power Equal Voice, "About EPEV", <https://epev.cymru/application-process/>

⁶ Equal Power Equal Voice, "Paul", <https://epev.cymru/testimonials/paull-allchurch/>

wrote that “through EPEV I’ve gained contacts and become part of networks. I now feel empowered to reach out to people.”⁷ We are pleased to see these duties being placed, but we would recommend that these are not entirely financial, there options for support must be in place.

Online Elections Information

We asked respondents about the proposal for the online Welsh Elections Information Platform, the response was generally positive, 22 of the 28 respondents agreed with the proposal and 24 respondents thought that it would improve knowledge of Welsh elections. We further asked if they thought this platform would make them more likely to vote, of the 28 respondents 20 thought that it would make them more likely to vote. There was some concern with how the platform would be designed, it was made clear that all information on this platform would need to be accessible, screen readable, with multiple language options including BSL video. Should this platform be built, it should be done so either co-productively or in close consultation with disabled people to ensure that it would be accessible.⁸ We also need to see a plan to

⁷ Equal Power Equal Voice, “Shahd”, <https://epev.cymru/testimonials/shahd/>

⁸ “Creating a Welsh Elections Information Platform that is fully accessible for disabled people is crucial to ensure inclusivity in the electoral process. Here are some measures the Welsh Government should consider to make the platform accessible: Consultation with Disabled Communities: Engage with disabled individuals and advocacy groups throughout the development process to gather input and feedback on the platform’s accessibility features. This ensures that the platform meets the specific needs and preferences of the disabled community. Accessibility Standards Compliance: Ensure that the platform complies with international and national accessibility standards, such as the Web Content Accessibility Guidelines (WCAG) 2.1. This includes providing accessible features for navigation, content presentation, and interaction. Alternative Formats: Provide election information in multiple formats, including plain text, large print, audio, and electronic formats compatible with screen readers. Ensure that downloadable documents are accessible and that multimedia content has captions and audio descriptions. User-Friendly Design: Design the platform with a user-friendly and intuitive interface. Ensure that it is easily navigable using keyboard commands and that focus indicators are visible for users who rely on keyboard navigation. Text-to-Speech and Speech-to-Text Support: Implement text-to-speech and speech-to-text functionality to accommodate individuals with visual or hearing impairments. This allows users to listen to or read content based on their preferences. High Contrast and Adjustable Fonts: Provide options for users to adjust text size, font styles, and background colors to enhance readability for those with visual impairments or cognitive disabilities. Accessible Forms: Ensure that online forms, such as voter registration forms or feedback forms, are designed with proper labels, error messages, and accessible input fields to facilitate completion by individuals with disabilities. Keyboard Shortcuts: Include keyboard shortcuts for important functions and actions on the platform, making it easier for users who cannot use a mouse or touch screen. Video Accessibility: If the platform includes videos, ensure that they have accurate captions and transcripts. Provide sign language interpretation for important video content. Interactive Maps: If the platform includes maps for electoral district boundaries or polling locations, make sure that the maps are navigable by screen readers and provide text-based information alongside the visual representation. Testing and User Feedback: Conduct regular accessibility testing with disabled users to identify

ensure that, even with the availability of this service, that the same information would still be available offline, this is important for those who are digitally excluded.

Other Barriers

We identified three key additional barriers to accessing Welsh political institutions in Wales. Firstly, discrimination from the public, the built environment and accessibility of elections, and internal culture within political parties.

We were repeatedly told by respondents to our survey that they are concerned about discrimination during the election and if elected. One respondent has experienced discrimination from political parties and voters “Discrimination from members of the same or other parties and discrimination from voters as I experienced.”⁹ For our members, this discrimination manifests both in attitudes on the street and the respect given to them as a disabled candidate or elected representative.

The built environment was also highlighted as an issue both as a candidate and a voter. As a candidate, the issue of pavement parking, door knocking/ leafletting and having to take meeting in inaccessible buildings was repeatedly highlighted as barriers. “Inaccessible Physical Environment: Many public buildings, including government offices and campaign headquarters, may lack adequate accessibility features like ramps, elevators, or accessible restrooms. This can make it difficult for disabled individuals to access these spaces.”¹⁰ For voters, there has been significant previous attention to the difficulties of disabled people who are blind or have a vision impairment being able to enjoy their right

and address any issues. Actively seek feedback from disabled individuals to make continuous improvements. Training for Staff: Ensure that staff responsible for maintaining and updating the platform receive training on accessibility best practices to ensure ongoing compliance. Technical Support: Offer technical support and assistance channels that are accessible and responsive to users with disabilities, including providing support through text-based communication for individuals who are deaf or hard of hearing. Public Awareness Campaigns: Launch public awareness campaigns to inform disabled individuals about the availability and accessibility of the Welsh Elections Information Platform, promoting its use and benefits. Accessibility Statement: Publish a clear accessibility statement on the platform, detailing its commitment to accessibility, the standards followed, and contact information for accessibility-related inquiries and issues. By incorporating these measures, the Welsh Government can create an inclusive and accessible Elections Information Platform that empowers all citizens, including those with disabilities, to engage in the electoral process and make informed decisions during elections.”, Disability Wales Member

⁹ Individual Disability Wales Member

¹⁰ Individual Disability Wales member

to a secret ballot due to needing support while voting.¹¹ Considering the attention that has already been given to this issue we are extremely concerned that it has not been specifically addressed within the Bill as it stands. Although the Bill has the potential to make positive action, we are concerned that it is not going far enough to support disabled people looking to engage.

Internal culture within political parties was frequently mentioned by respondents. “Political parties may not actively recruit or support disabled individuals as candidates. They may lack inclusive policies and practices that would encourage disabled individuals to become involved in party leadership and decision-making.”¹² This is a large concern for us, as even with the financial or support needs met, should the candidate selection procedure be inaccessible, it can prevent disabled candidates from being able to stand for election. We heard reports of complicated procedure with limited options for reasonable adjustments and that the internal culture within parties can be difficult for some disabled people to navigate.

Conclusion

We believe that this Bill contains many positive measures for diversifying Welsh political institutions. We are pleased to see specific support for disabled candidates and although a new scheme the Access to Elected Office Fund has had encouraging results, but we believe that it is important that this is expanded upon and that new measures for increasing political engagement are accessible to disabled people. Although we have limited data on the number of disabled MS’ and Councillors in Wales, we do know that under the current status quo there are many barriers to engagement. Should they be properly implemented, there are many proposals within this Bill, however, we are concerned that there are still significant barriers to engagement that have not been addressed.

¹¹ RNIB, “Turned Out 2022”, 13th July 2021,
https://media.rnib.org.uk/documents/RNIB_Turned_Out_2022_APDF.pdf

¹² Individual Disability Wales Member

Y Pwyllgor Llywodraeth Leol a Thai

15 Tachwedd 2023 - clawr y papurau i'w nodi

| Rhif y papur | Mater | Oddi wrth | Gweithredu |
|--------------|---|--|------------|
| Papur 5 | Y Bil Ffyniant Bro ac Adfywio | Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad | I'w nodi |
| Papur 6 | Y Bil Ffyniant Bro ac Adfywio | Cadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad at y Gweinidog Newid Hinsawdd | I'w nodi |
| Papur 7 | Bil Etholiadau a Chyrff Etholedig (Cymru) | Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad | I'w nodi |

Llyr Gruffydd AS,
Cadeirydd Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

Paul Davies AS,
Cadeirydd Pwyllgor yr Economi, Masnach a Materion Gwledig

John Griffiths AS,
Cadeirydd y Pwyllgor Llywodraeth Leol a Thai

2 Tachwedd 2023

Annwyl bawb,

Y Bil Ffyniant Bro ac Adfywio

Hoffem dynnu eich sylw at yr ohebiaeth a gawsom ar 17 Hydref gan y Gweinidog Newid Hinsawdd mewn ymateb i'n hadroddiad ynghylch y Memorandwm Cydsyniad Deddfwriaethol Atodol (Memorandwm Rhif 4) ar y Bil Ffyniant Bro ac Adfywio.

Efallai y bydd y paragraff a ganlyn yn llythyr y Gweinidog, mewn ymateb i Argymhellion 8 a 10 yn ein hadroddiad, o ddiddordeb penodol ichi:

"Nid oes i'r Bil Ffyniant Bro ac Adfywio unrhyw oblygiadau uniongyrchol i'r dyletswyddau ar Lywodraeth Cymru yn Neddf Llesiant Cenedlaethau'r Dyfodol. Fodd bynnag, mae'n creu tirlun polisi a allai beri dryswch o gofio ein bod wedi pennu'r nodau llesiant hirdymor i Gymru gyda dangosyddion cysylltiedig a cherrig milltir cenedlaethol gan edrych at 2050. Mae gan gyrff cyhoeddus ddyletswydd o dan Ddeddf Llesiant Cenedlaethau'r Dyfodol a byddem yn disgwyl iddynt gyflawni eu dyletswyddau cyfreithiol a llunio a chyflawni amcanion llesiant sy'n cyfrannu at gyflawni nodau llesiant Cymru."

Yn gywir,



Huw Irranca-Davies

Huw Irranca-Davies

Cadeirydd

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad**

**Legislation, Justice and
Constitution Committee**

Welsh Parliament

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

Julie James AS,
Y Gweinidog Newid Hinsawdd

2 Tachwedd 2023

Annwyl Julie,

Y Bil Ffyniant Bro ac Adfywio

Diolch am eich llythyr dyddiedig 17 Hydref mewn ymateb i'n hadroddiad ynghylch y Memorandwm Cydsyniad Deddfwriaethol Atodol (Memorandwm Rhif 4) ar y Bil Ffyniant Bro ac Adfywio.

Mae gennym rai cwestiynau dilynol ac mae'r rhain wedi'u nodi yn yr Atodiad i'r llythyr hwn. Byddem yn ddiolchgar pe gallech ymateb erbyn 22 Tachwedd 2023. Rwy'n anfon copi o'r llythyr hwn at Gadeirydd Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith, Cadeirydd Pwyllgor yr Economi, Masnach a Materion Gwledig a Chadeirydd y Pwyllgor Llywodraeth Leol a Thai.

Yn gywir

Huw Irranca-Davies

Huw Irranca-Davies
Cadeirydd



Cwestiwn 1: Byddem fel arfer yn disgwyl ymateb gan Lywodraeth Cymru i ddatgan a yw'n derbyn neu'n gwrthod argymhelliad Pwyllgor. Er ei bod yn bosibl canfod bwriad Llywodraeth Cymru o ran rhai argymhellion, nid yw hynny'n bosibl o ran rhai eraill. A fyddech cystal â'n helpu drwy nodi'n glir ar gyfer y cofnod pa argymhellion rydych yn eu derbyn a pha rai nad ydych yn eu derbyn, gan ddarparu unrhyw wybodaeth ychwanegol fel y bo angen?

Cwestiwn 2: Nid oedd eich ymateb yn mynd i'r afael ag argymhelliad 7 yn uniongyrchol. O ganlyniad, cododd Aelodau'r Pwyllgor hyn ddwywaith yn ystod y **ddadl** ynghylch cydsyniad deddfwriaethol (paragraffau 346 a 380 o Gofnod y Trafodion) ond ni fanteisiwyd ar y cyfle hwnnw. Felly, byddem yn ddiolchgar pa gallech ddatgan a yw Llywodraeth Cymru yn parhau i fod o'r farn bod Rhan 1 o'r Bil "yn cynrychioli ymyrraeth amhriodol yng nghymhwysedd deddfwriaethol y Senedd".

Cwestiwn 3: Roedd eich ymateb cyfunol i argymhellion 12 a 13 yn ystyried y materion yn yr argymhellion hynny mewn termau eang iawn. Byddem yn ddiolchgar pe gallech roi ymateb manylach, gan roi'r wybodaeth benodol y gofynnwyd amdani yn argymhellion 12 a 13, yn unol â'r dyddiad cau a bennwyd yn argymhelliad 14. Gwelwn fod y materion perthnasol o bwys sylweddol i'r Senedd, nid yn unig oherwydd y pryderon a fynegwch ym mharagraffau 93 i 103 a pharagraff 111 o'r Memorandwm Cydsyniad Deddfwriaethol Atodol (Memorandwm Rhif 4).

Cwestiwn 4: Rydym yn gofyn am eich cymorth ychwanegol gydag argymhelliad 18, nad ydym yn teimlo ei fod wedi cael ymateb digonol. Nid ydym yn teimlo bod unrhyw rai o'r memoranda cydsyniad deddfwriaethol yn rhoi lefel briodol o fanylion ynghylch cwrpas y pwerau gwneud rheoliadau y mae'r Bil hwn, sy'n mynd drwy Senedd y DU, yn eu darparu i Weinidogion Cymru. Nodwn hefyd eich bod yn datgan yn eich ymateb i argymhelliad 18 fod rhagor o fanylion yn cael eu rhoi yn yr ymateb i argymhelliad 22, ond nid yw'r manylion hynny'n amlwg. Felly, byddem yn ddiolchgar pe gallech roi'r wybodaeth y gofynnwyd amdani ym mhwynt bwled cyntaf argymhelliad 18.

Cwestiwn 5: Yng ngoleuni eich ymateb i argymhelliad 18, byddai'n ddefnyddiol deall pam rydych wedi cymryd pwerau i wneud rheoliadau drwy Fil gan Lywodraeth y DU pan nad yw'n ymddangos eto eich bod wedi ystyried sut rydych yn bwriadu defnyddio'r pwerau hyn neu pryd y byddwch yn eu defnyddio.

Cwestiwn 6: Yng ngoleuni eich ymateb i argymhelliad 18, a allwch nodi pryd rydych yn bwriadu cyflawni'r ymrwymiad y cyfeiriwch ato, ac felly pryd y byddwch mewn sefyllfa i roi ymateb i ail a thrydydd pwyntiau bwled argymhelliad 18?

Cwestiwn 7: Nid yw argymhelliad 22 wedi cael ymateb digonol yn ein barn ni, yn enwedig gan nad oedd y memoranda cydsyniad deddfwriaethol amrywiol yn tracio newidiadau yn rhifau'r cymalau wrth i'r Bil basio drwy Senedd y DU. Felly, a allwch roi'r wybodaeth y gofynnwyd amdani? Dylai'r

wybodaeth fod ar wahân i'r Nodiadau Esboniadol (os caiff y Bil y Cydsyniad Brenhinol) o ystyried nad yw'r Nodiadau hynny'n debygol o sôn am y berthynas â deddfwriaeth bresennol Cymru (megis *Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015*) ac er mwyn rhoi gwybodaeth agored, dryloyw a hygyrch i'r Senedd a rhanddeiliaid Cymru.

Cwestiwn 8. Yn ystod y ddadl, dywedoch:

*"Cawsom sgysiau hir gyda Gweinidogion Llywodraeth y DU ynghylch sut y gallem ni ddiogelu sefyllfa Senedd Cymru a Llywodraeth Cymru o ran gorfod ystyried ein materion arni. Rwy'n fodlon wrth orfod ysgrifennu adroddiad i Senedd y DU sy'n nodi pam mae gennym broblem—oherwydd dyna'r unig reswm pam y bydden nhw'n ei wneud; pe na bai gennym broblem, ni fyddai yna adroddiad o'r fath—byddai'n rhaid iddyn nhw eu hunain fynd trwy broses a fyddai'n gwneud iddyn nhw feddwl pam nad oedden nhw'n gallu edrych ar hynny, ac, wrth gwrs, mae'n amlygu hynny i graffu seneddol. Rwy'n credu ei bod yn debyg y byddem yn gallu datblygu proses debyg yma a fyddai'n ein galluogi i fynegi barn arni. Nid yw'n berffaith, rwy'n cytuno'n llwyr, ond mae'n llawer gwell na lle y dechreuon ni, ac os na wnawn ni hyn, bydd gennym **fwlch yn ein deddfwriaeth**, sy'n llawer gwaeth. Rwy'n derbyn ei fod yn gyfaddawd."* [Cofnod y Trafodion, paragraff 404, ein pwyslais ni]

A allech chi roi rhagor o fanylion am y canlynol:

- y "proses debyg" y cyfeiriwch ati a beth allai hynny ei olygu?
- y bwlch penodol yn neddfwriaeth Cymru sydd bellach yn cael ei lenwi?



Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

Ein cyf/Our ref MA/CG/2145/23



Llywodraeth Cymru
Welsh Government

John Griffiths, AS
Cadeirydd
Pwyllgor Llywodraeth Leol a Thai
Senedd Cymru
Bae Caerdydd
CF99 1SN

10 Tachwedd 2023

Annwyl John,

Cyn cyfarfod â'r Pwyllgor ar 7 Rhagfyr, rwy'n atodi i'r llythyr hwn fersiwn wedi'i chywiro o Bennod 5 y Memorandwm Esboniadol ar gyfer y Bil Etholiadau a Chyrff Etholedig (Cymru) ('y Bil') er gwybodaeth. Gwnaed gwelliannau i resi 3-6 yn nhabl 5.1 y Bennod hon i sicrhau bod yn ffeithiol a bod chroesgyfeiriadau ynghylch peilotiaid etholiadol yn cyd-fynd â'r Bil fel y'i cyflwynwyd. Bydd y gwelliannau hyn yn cael eu cynnwys yn y Memorandwm Esboniadol pan fydd yn cael ei ddiweddarau a'i ailgyhoeddi ar y cyfle nesaf sydd ar gael.

Edrychaf ymlaen at roi tystiolaeth eto i'r Pwyllgor ar 7 Rhagfyr.

Rwyf hefyd yn ysgrifennu at Gadeirydd y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad.

Yn gywir,

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

5. Y pŵer i wneud is-ddeddfwriaeth

5.1. Mae'r Bil yn cynnwys darpariaethau i wneud is-ddeddfwriaeth a chyhoeddi dyfarniadau. Mae Tabl 5.1 (is-ddeddfwriaeth) a Thabl 5.2 (cyfarwyddydau, chanllawiau) yn nodi'r canlynol mewn perthynas â'r rhain:

(i).y person neu'r corff y rhoddir y pŵer iddo;

(ii).ar ba ffurf y mae'r pŵer i gael ei arfer;

(iii).priodoldeb y pŵer dirprwyedig;

(iv).y weithdrefn a gymhwysir; hynny yw, "cadarnhaol", "negyddol", neu "dim gweithdrefn", ynghyd â rhesymau pam y bernir ei bod yn briodol

5.2. Bydd Llywodraeth Cymru yn ymgynghori ar gynnwys yr is-ddeddfwriaeth os bernir ei bod yn briodol gwneud hynny. Penderfynir beth fydd union natur yr ymgynghori ar ôl i'r cynigion gael eu ffurfioli.

Tabl 5.1: Crynodeb o'r pwerau i wneud is-ddeddfwriaeth yn narpariaethau Bil Etholiadau a Chyrff Etholedig (Cymru)

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|--|------------------------|------------|--|-------------------------|--|
| Adran newydd 20E(3)(c) o Ddeddf 2013 (fel y'i mewnosodwyd gan adran 1) | Gweinidogion Cymru | Rheoliadau | <p>Mae hyn yn caniatáu i Weinidogion Cymru roi swyddogaethau pellach (yn ogystal ag adrannau 20A i 20D newydd o Ddeddf 2013 a phennod 3 o Ran 1 o Ddeddf Etholiadau a Chyrff Etholedig (Cymru) 2024 (peilota a diwygio etholiadau Cymreig)) i'r Comisiwn, i'w harfer gan y Bwrdd Rheoli Etholiadol. Yn benodol, rhagwelir y gallai rheoliadau a wneir o dan j290 (Platfform Gwybodaeth am Etholiadau Cymreig) roi swyddogaethau i'r Comisiwn mewn perthynas â'r platfform hwnnw.</p> <p>Hefyd, efallai y bydd angen yn y dyfodol i</p> | Negyddol neu gadarnhaol | <p>Pan fo rhoi unrhyw swyddogaeth newydd yn ei gwneud yn ofynnol i ddiwygiadau gael eu gwneud i Ddeddf gan Senedd y DU, Mesur gan Gynulliad Cenedlaethol Cymru neu Ddeddf gan y Senedd, bydd y rheoliadau sy'n rhoi'r swyddogaeth newydd honno yn ddarostyngedig i'r weithdrefn penderfyniad cadarnhaol. Ym mhob achos arall, bydd y weithdrefn negyddol yn gymwys (mae adran 71(2) a (3) o Ddeddf 2013 (fel y'i diwygiwyd gan</p> |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|---|------------------------|------------|--|-------------|--|
| | | | Weinidogion Cymru roi swyddogaethau eraill sy'n ymwneud â gweinyddu etholiadol i'r Comisiwn. | | baragraff 1(54)(b) o Atodlen 1 i'r Ddeddf hon yn cyfeirio at hyn). |
| Adran newydd 9ZA((6)(a)-(c) o Ddeddf 1983 (fel y'i mewnosodwyd gan adran 3) | Gweinidogion Cymru | Rheoliadau | Mae hyn yn caniatáu i Weinidogion Cymru wneud darpariaeth ynghylch yr hyn sy'n ofynnol ar yr hysbysiad etholiad a anfonir at bob etholwr sydd wedi'i gofrestru'n awtomatig. Bydd yn caniatáu i Weinidogion Cymru ddiweddarau'r rhestr o wybodaeth ofynnol yn unol â gweithgarwch peilota ac yn y dyfodol os bydd gwerthuso'r cynllun cofrestru awtomatig yn tynnu sylw at yr angen am wybodaeth hanfodol i etholwyr. | Negyddol | Mae sylwedd y pŵer hwn wedi'i nodi ar wyneb y bil h.y. yr hyn y mae'n rhaid i Swyddog Cofrestru Etholiadol ei gynnwys yn yr hysbysiad cofrestru. Byddai'r pwerau gwneud rheoliadau hyn yn cael eu defnyddio i ddiweddarau'r rhestr hon yn dilyn argymhellion gan gynlluniau peilot cofrestru awtomatig, neu yn y dyfodol i adlewyrchu unrhyw newidiadau pellach a argymhellir a fyddai'n cefnogi'r |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|---------|------------------------|------------|--|-----------------------|--|
| | | | | | etholwr i ddeall y broses hon. |
| Adran 5 | Gweinidogion Cymru | Rheoliadau | Mae hyn yn galluogi Gweinidogion Cymru i wneud rheoliadau ar gyfer cynnal cynlluniau peilot etholiadol mewn cysylltiad â materion etholiadol perthnasol (fel y'u diffinnir gan adran 5(3)) yn etholiadau Cymru (etholiadau cyffredin Senedd Cymru, etholiadau cyffredin llywodraeth leol ac is-etholiadau llywodraeth leol). Caiff Gweinidogion Cymru hefyd ddefnyddio'r pŵer hwn i dreialu'r darpariaethau cofrestru diwygiedig a gyflwynir gan adran 3 (adran 5(4)). | Cadarnhaol a negyddol | Lle mae rheoliadau peilot; yn cael eu gwneud heb ganiatâd yr awdurdod lleol y mae'n ofynnol iddo weithredu'r cynllun peilot; yn treialu'r darpariaethau cofrestru diwygiedig a gyflwynir gan adran 3; neu yn creu, yn dileu neu'n addasu troseddau, mae'r rheoliadau yn ddarostyngedig i'r weithdrefn penderfyniad cadarnhaol (adran 7(3) a (4)). Ystyrir ei |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|-------|------------------------|-------|-------------------------------|-------------|--|
| | | | | | <p>bod yn briodol, mewn amgylchiadau o'r fath, i roi cyfle i'r Senedd drafod teilyngdod cynlluniau peilot o'r fath.</p> <p>Bydd pob rheoliad peilot arall yn ddarostyngedig i'r weithdrefn negyddol (adran 7(5)). Ystyrir bod hyn yn briodol oherwydd cyn gwneud unrhyw reoliadau peilot, bydd yn ofynnol i Gomisiwn Ffiniau a Democratiaeth Cymru (drwy ei Fwrdd Rheoli Etholiadol) adrodd ar y cynllun arfaethedig, a rhaid gosod copi o'r adroddiad gerbron y</p> |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|---------|------------------------|------------|--|-------------|---|
| | | | | | Senedd gyda'r rheoliadau. |
| Adran 8 | Gweinidogion Cymru | Rheoliadau | Mae hyn yn caniatáu i Weinidogion Cymru ychwanegu at, dileu neu ddiwygio'r rhestr o faterion etholiadol (yn adran 5) y gellir ymgymryd â chynlluniau peilot mewn cysylltiad â hi). Mae hyn yn rhoi hyblygrwydd i ganiatáu i Weinidogion Cymru ddiwygio'r rhestr yn unol ag ymrwymiadau'r llywodraeth. Fodd bynnag, ni ellir diwygio'r rhestr i alluogi cynnal cynlluniau peilot mewn cysylltiad â'r system bleidleisio ar gyfer aelodau sy'n dychwelyd o Senedd Cymru, prif gyngor neu gyngor cymuned. | Cadarnhaol | Mae'r pŵer hwn wedi'i gyfyngu i alluogi Gweinidogion Cymru i wneud diwygiadau i'r rhestr o faterion etholiadol y gellid rhedeg cynllun peilot ar eu cyfer. Os caiff cynlluniau peilot eu gweithredu, byddant yn ddarostyngedig i'w cyfundrefn werthuso a chraffu eu hunain. Ystyrir bod y weithdrefn gadarnhaol yn briodol gan y bydd yn sicrhau bod y Senedd yn cael cyfle i drafod rhinweddau diwygio'r rhestr honno. |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|-------------|------------------------|------------|--|-------------|--|
| Adran 15(3) | Gweinidogion Cymru | Rheoliadau | Mae'r pŵer hwn yn galluogi Gweinidogion Cymru, drwy reoliadau, i nodi beth y dylai adroddiad Comisiwn Democratiaeth a Ffiniau Cymru ar gynlluniau peilot arfaethedig ei gynnwys (bydd y swyddogaeth hon yn cael ei harfer drwy ei Fwrdd Rheoli Etholiadol). Mae adran 15(2) yn rhagnodi'r materion y mae'n rhaid i'r Comisiwn roi sylw iddynt (o leiaf) wrth asesu cynigion peilot, a gall y Comisiwn hefyd wneud unrhyw argymhellion y mae'n barnu eu bod yn berthnasol (adran 15(4)). Bydd y pŵer hwn yn darparu hyblygrwydd yn y dyfodol os bydd Gweinidogion Cymru | Negyddol | Mae'r pŵer hwn wedi'i gyfyngu i alluogi Gweinidogion Cymru i ragnodi meini prawf penodol ychwanegol y dylid eu hystyried wrth werthuso cynigion peilot. Mae'r materion y mae'n rhaid eu hasesu ac adrodd arnynt wedi'u nodi ar wyneb y ddeddfwriaeth (adran 15(2)). Felly, ystyrir bod y weithdrefn negyddol yn briodol. |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | yn dymuno nodi maen prawf ychwanegol y dylid ei ystyried pan fydd cynigion ar gyfer cynlluniau peilot yn cael eu gwerthuso. | | |
| Adran 17(4) | Gweinidogion Cymru | Rheoliadau | Mae'r pŵer hwn yn galluogi Gweinidogion Cymru, drwy reoliadau, i nodi'r hyn y dylai canllawiau Comisiwn Democratiaeth a Ffiniau Cymru ar ymgymryd â chynlluniau peilot ei gynnwys. Yn ogystal â'r gofynion a nodir ar yr wyneb ar y Bil (adran 17(2)), ac yn ogystal ag unrhyw beth y mae'r Comisiwn yn credu sy'n berthnasol (adran 17(3)), gall Gweinidogion Cymru fynnu bod materion ychwanegol yn cael eu cynnwys yn y | Negyddol | Mae'r pŵer hwn wedi'i gyfyngu i alluogi Gweinidogion Cymru i ychwanegu at y materion y dylid mynd i'r afael â nhw yn y canllawiau a gyhoeddwyd gan y Comisiwn ar gyfer rhedeg cynllun peilot. Argymhellir y weithdrefn negyddol oherwydd bod y Bil eisoes yn cynnwys gofynion sylfaenol y canllawiau hynny ac mae'r Comisiwn, drwy ddarpariaethau'r Bil, hefyd yn rhydd i |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | canllawiau sy'n cael ei gyflwyno gan y Comisiwn. | | ddarparu canllawiau ar unrhyw faterion ychwanegol y maent yn teimlo sy'n berthnasol, ac nid yw hyn yn gofyn am gytundeb Gweinidogion Cymru. Mae'r pŵer hwn yn weinyddol yn bennaf. |
| Adran 19(3) | Gweinidogion Cymru | Rheoliadau | Mae'r pŵer hwn yn galluogi Gweinidogion Cymru i wneud newidiadau parhaol i gyfraith etholiadol yn dilyn cynllun peilot llwyddiannus. Fodd bynnag, dim ond ar argymhelliad y Comisiwn Etholiadol y gellir gwneud rheoliadau o'r fath. | Uwchnegyddol & Uwchgadarnhaol | Lle mae rheoliadau diwygio; yn addasu deddfwriaeth sylfaenol; yn creu neu'n ehangu cwmpas trosedd; neu yn creu neu'n diwygio pŵer i ddeddfu, byddant yn ddarostyngedig i'r weithdrefn gadarnhaol (adran 20 (3) a (4)), ond |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | | | <p>gall y Senedd neu bwyllgor o'r Senedd sy'n adrodd ar y rheoliadau ddatrys, o fewn 30 diwrnod ar ôl i'r rheoliadau drafft gael eu gosod, y dylai gweithdrefn uwchgadarnhaol fod yn gymwys i reoliadau o'r fath (adran 20(13)). Mae'r weithdrefn uwchgadarnhaol hon yn ei gwneud yn ofynnol i Weinidogion Cymru roi sylw i unrhyw sylwadau; unrhyw benderfyniadau gan y Senedd; ac unrhyw argymhellion gan bwyllgor o'r Senedd sy'n gyfrifol am adrodd ar y rheoliadau drafft, a</p> |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | | | <p>wneir o fewn 60 diwrnod i osod y rheoliadau. Dim ond os yw'r Senedd yn eu cymeradwyo ar ôl i'r cyfnod 60 diwrnod ddod i ben y caiff Gweinidogion Cymru wneud y rheoliadau (heb newidiadau perthnasol). Os yw Gweinidogion Cymru, ar ôl y cyfnod o 60 diwrnod, yn dymuno bwrw ymlaen â'r rheoliadau drafft, ond gyda newidiadau perthnasol, rhaid gosod y rheoliadau drafft diwygiedig gerbron y Senedd ynghyd â datganiad yn crynhoi'r newidiadau, i'w</p> |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | | | <p>cymeradwyo gan y Senedd.</p> <p>Ar gyfer pob offeryn statudol arall sy'n cynnwys rheoliadau diwygio, bydd gweithdrefn uwchnegyddol yn berthnasol (adran 20(5)). Mae hyn yn ei gwneud yn ofynnol i Weinidogion Cymru, pan fyddant yn ystyried bod y weithdrefn negyddol yn briodol, wneud datganiad i'r perwyl hwnnw a gosod drafft o'r rheoliadau gerbron y Senedd ynghyd â memorandwm sy'n nodi eu datganiad a'r rhesymau dros eu barn. Ni chaiff Gweinidogion</p> |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | | | <p>Cymru ond symud ymlaen i wneud y rheoliadau ar ffurf y weithdrefn negyddol os yw Pwyllgor perthnasol yn y Senedd yn gwneud argymhelliad ynghylch y weithdrefn briodol, neu os oes 14 diwrnod yn mynd heibio ers gosod y rheoliadau drafft ac os na dderbynnir argymhelliad gan y pwyllgor.</p> <p>Ystyrir bod y ddwy weithdrefn yn briodol gan eu bod yn darparu ar gyfer craffu ychwanegol gan y Senedd sy'n adlewyrchu natur y rheoliadau diwygio.</p> |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|-------------|------------------------|------------|--|-----------------------|---|
| Adran 27(1) | Gweinidogion Cymru | Rheoliadau | Mae hyn yn ei gwneud yn ofynnol i Weinidogion Cymru, drwy reoliadau, ddarparu plattform gwybodaeth ar gyfer etholiadau Cymreig. Caiff Gweinidogion Cymru benderfynu pwy yw'r sefydliad gorau i ddarparu ar gyfer plattform o'r fath a pha wybodaeth, yn ychwanegol at yr wybodaeth a ragnodir mewn deddfwriaeth sylfaenol, y dylid ei darparu i bleidleiswyr i gefnogi eu cyfranogiad yn etholiadau'r Senedd ac etholiadau prif gynghorau yng Nghymru gyda phŵer i gynnwys gwybodaeth mewn perthynas ag etholiadau llywodraeth leol. Rhaid i'r rheoliadau hefyd nodi | Cadarnhaol a negyddol | Mae'r weithdrefn gadarnhaol yn gymwys pan fo rheoliadau a wneir o dan yr adran hon yn ymwneud ag is-adran (4)(c), hynny yw, pan fo'r rheoliadau'n rhoi esemptiadau rhag atebolrwydd sifil a throeddol mewn cysylltiad â chyhoeddi datganiadau ymgeiswyr a gwybodaeth arall am ymgeiswyr. Mae hyn er mwyn rhoi cyfleoedd ychwanegol i Senedd Cymru graffu ar y penderfyniadau a wneir gan Weinidogion Cymru yn y maes hwn oherwydd |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | trefn adrodd ar redeg platfform gwybodaeth am etholiadau Cymreig a'i effaith. | | pwysigrwydd gwleidyddol cyfyngu ar atebolrwydd o'r fath i'r Senedd gyfan. Mae'r weithdrefn negyddol i'w defnyddio pan wneir rheoliadau mewn perthynas â rhoi swyddogaethau i bersonau, ynghylch cyhoeddi gwybodaeth ar y platfform, gan gynnwys cyhoeddi datganiadau ymgeiswyr a gwybodaeth arall mewn perthynas ag ymgeiswyr, a sicrhau bod yr wybodaeth ar y platfform ar gael ac eithrio drwy ddulliau electronig. Mae hyn yn caniatáu i'r gofynion ynghylch |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|-------------|------------------------|------------|--|-------------|---|
| | | | | | adrodd ar weithrediad ac effeithiolrwydd y platfform gael eu nodi. Mae'r weithdrefn hon yn briodol gan ei bod yn debygol y bydd yn ymwneud â materion gweinyddol yn hytrach na materion sy'n ymwneud â pholisi. |
| Adran 28(8) | Gweinidogion Cymru | Rheoliadau | Mae'n galluogi Gweinidogion Cymru i ychwanegu, diwygio neu ddileu gwasanaethau a ychwanegir at y rhai y gellir eu darparu i hyrwyddo amrywiaeth mewn personau sy'n ceisio swydd etholedig. | Cadarnhaol | Mae hyn er mwyn rhoi cyfleoedd ychwanegol i Senedd Cymru graffu ar y penderfyniadau a wneir gan Weinidogion Cymru yn y maes hwn oherwydd pwysigrwydd gwleidyddol Senedd gyfan. Teimlir bod y weithdrefn |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | | | <p>gadarnhaol yn briodol ar gyfer y rheoliadau hyn er mwyn sicrhau tryloywder a niwtraliaeth wleidyddol.</p> <p>Yn ogystal â hyn, gan fod y pŵer hwn yn cynnwys diwygio deddfwriaeth sylfaenol, teimlir bod y weithdrefn gadarnhaol yn briodol.</p> |
| Adran 29(1) | Gweinidogion Cymru | Rheoliadau | Mae'n galluogi Gweinidogion Cymru i ddarparu ar gyfer cynlluniau cymorth ariannol i helpu ymgeiswyr, sydd â nodweddion neu amgylchiadau penodol, i oresgyn rhwystrau rhag cymryd rhan yn yr etholiad sy'n gysylltiedig â'r | Cadarnhaol | Mae hyn er mwyn rhoi cyfleoedd ychwanegol i Senedd Cymru graffu ar y penderfyniadau a wneir gan Weinidogion Cymru yn y maes hwn oherwydd pwysigrwydd gwleidyddol Senedd |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | <p>nodweddion neu'r amgylchiadau hynny. Mae'n ei gwneud yn ofynnol i Weinidogion Cymru benodi neu ddarparu ar gyfer penodi person i weithredu'r cynllun y maent yn darparu ar ei gyfer.</p> <p>Mae'n galluogi Gweinidogion Cymru i roi swyddogaethau i berson a darparu ar gyfer dirprwyo'r swyddogaethau hynny, yn ei gwneud yn ofynnol i berson y rhoddir swyddogaethau iddo gadw a sicrhau eu bod ar gael i'w harchwilio, i gadw cyfrifon a chofnodion eraill, ac yn ei gwneud yn ofynnol i berson arall gyhoeddi gwybodaeth</p> | | <p>gyfan. Teimlir bod y weithdrefn gadarnhaol yn briodol ar gyfer y rheoliadau hyn er mwyn sicrhau tryloywder a niwtraliaeth wleidyddol.</p> |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|-------------|------------------------|------------|--|-------------|---|
| | | | <p>benodedig am gymorth ariannol a roddir yn unol â'r cynllun (fodd bynnag, ni osodir dyletswydd o'r fath i gyhoeddi pan fyddai'r ddyletswydd honno (gan gymryd y ddyletswydd i ystyriaeth) yn groes i'r ddeddfwriaeth diogelu data o fewn ystyr Deddf Diogelu Data 2018).</p> <p>Mae'n galluogi rhoi cymorth ariannol yn amodol ar amodau ac yn nodi'r amgylchiadau pan fydd cymorth o'r fath yn cael ei ad-dalu.</p> | | |
| Adran 29(2) | Gweinidogion Cymru | Rheoliadau | Mae'n ei gwneud yn ofynnol i Weinidogion Cymru nodi, mewn rheoliadau, unrhyw drefniadau i ddarparu cymorth ariannol i ymgeiswyr anabl sy'n | Cadarnhaol | Mae hyn er mwyn rhoi cyfleoedd ychwanegol i Senedd Cymru graffu ar y penderfyniadau a wneir gan |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | <p>sefyll mewn etholiad yng Nghymru i oresgyn rhwystrau er mwyn cymryd rhan lawn ac effeithiol yn yr etholiad sy'n gysylltiedig â'u hanabledd.</p> <p>Mae'n galluogi Gweinidogion Cymru i roi swyddogaethau i berson a darparu ar gyfer dirprwyo'r swyddogaethau hynny, yn ei gwneud yn ofynnol i berson y rhoddir swyddogaethau iddo gadw a sicrhau eu bod ar gael i'w harchwilio, i gadw cyfrifon a chofnodion eraill, ac yn ei gwneud yn ofynnol i berson arall gyhoeddi gwybodaeth benodedig am gymorth ariannol a roddir yn unol â'r cynllun (fodd bynnag, ni osodir</p> | | <p>Weinidogion Cymru yn y maes hwn oherwydd pwysigrwydd gwleidyddol Senedd gyfan. Teimlir bod y weithdrefn gadarnhaol yn briodol ar gyfer y rheoliadau hyn er mwyn sicrhau tryloywder a niwtraliaeth wleidyddol.</p> |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | <p>dyletswydd o'r fath i gyhoeddi pan fyddai'r ddyletswydd honno (gan gymryd y ddyletswydd i ystyriaeth) yn groes i'r ddeddfwriaeth diogelu data o fewn ystyr Deddf Diogelu Data 2018).</p> <p>Mae'n galluogi rhoi cymorth ariannol yn amodol ar amodau ac yn nodi'r amgylchiadau pan fydd cymorth o'r fath yn cael ei ad-dalu.</p> | | |
| Adran 156 o Ddeddf 2000 (fel y'i diwygiwyd gan adran 34(2)) | Gweinidogion Cymru | Gorchymyn | Mae paragraff 14A o Atodlen 4A i RPA 1983 (fel y'i diwygiwyd gan y Bil) yn caniatáu i'r Comisiwn Etholiadol baratoi canllawiau i'w defnyddio gan ymgyrchwyr, gan nodi'r gofynion cyfreithiol sy'n | Dim gweithdrefn | Cyn gwneud gorchymyn i ddod ag unrhyw ganllawiau i rym, rhaid i Weinidogion Cymru osod y canllawiau drafft gerbron y Senedd am gyfnod o 40 |

| Adran | I bwy y rhoddir y pŵer | Ffur | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | ymwneud â gwariant ar ymgyrchoedd mewn etholiadau llywodraeth leol. Daw Gweinidogion Cymru â'r canllawiau i rym drwy orchymyn. Mae'r Bil yn diwygio adran 156(3) o RPA 1983 fel nad yw gorchymynion o'r fath yn destun gweithdrefn gan y Senedd. | | diwrnod. Os yw'r Senedd yn penderfynu peidio â chymeradwyo'r canllawiau, ni chaiff Gweinidogion Cymru wneud gorchymyn yn ei dwyn i rym. Gan fod y canllawiau drafft yn destun craffu llawn, ystyrir ei bod yn briodol nad yw gorchymyn dilynol i ddod â'r canllawiau hynny i rym yn ddarostyngedig i weithdrefn arall gan y Senedd. |
| Adran 88(11) o Ddeddf 2000 (fel y'i diwygiwyd gan adran 37(2)) | Gweinidogion Cymru | Gorchymyn | Mae hyn yn galluogi Gweinidogion Cymru i ddiwygio'r rhestr o ddisgrifiadau o drydydd partion, y darperir ar eu cyfer yn adran 88(2) o Ddeddf Pleidiau Gwleidyddol, | Cadarnhaol | Gan fod y pŵer hwn yn caniatáu i ddeddfwriaeth sylfaenol gael ei diwygio, ystyrir ei bod yn briodol i'r Senedd gael cyfle i drafod rhinweddau |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | <p>Etholiadau a Refferenda 2000 (PPERA), sy'n gallu cofrestru i ymgyrchu mewn cyfnod etholiad Senedd sy'n cael ei reoleiddio, gan ganiatáu iddynt wynebu gwariant o fwy na £700. Gall gorchymyn ychwanegu, dileu neu addasu disgrifiad o'r trydydd partïon hynny. Fodd bynnag, dim ond ar argymhelliad y Comisiwn Etholiadol y gellir dileu neu addasu'r disgrifiadau o drydydd partïon. Bydd hyn yn sicrhau y gellir cadw'r rhestr o drydydd partïon cymwys yn wyneb unrhyw ddatblygiadau, ac osgoi'n ddiangen atal math newydd o drydydd parti rhag gallu</p> | | <p>unrhyw ddiwygiad o'r fath ac felly mae defnyddio'r pŵer yn ddarostyngedig i'r weithdrefn gadarnhaol. Yn ogystal â hyn, pan fo Gweinidogion Cymru yn cynnig tynnu trydydd partïon oddi ar y rhestr, neu ddiwygio'r disgrifiad o'r trydydd partïon hynny, mewn perthynas â'r cyfnod ymgyrchu perthnasol, dim ond ar argymhelliad y Comisiwn Etholiadol y byddant yn gallu gwneud hynny.</p> |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
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| | | | ymgyrchu mewn etholiad. | | |
| Adrannau newydd 100A a 100C o Ddeddf 2000 (fel y'u mewnosodwyd gan adran 38(2) a (4)) | Gweinidogion Cymru | Gorchymyn | Mae adran 38 o'r Ddeddf yn mewnosod darpariaeth newydd mewn PPERA sy'n ei gwneud yn ofynnol i'r Comisiwn Etholiadol baratoi cod ymarfer ynghylch y rheolaethau ar wariant trydydd parti yn ystod ymgyrch etholiadol gan y Senedd (mae adran 38(2)(a) yn mewnosod adran newydd 100A(1A) yn PPERA). Mae adran 38(4) yn mewnosod adran newydd 100C yn PPERA sy'n nodi'r weithdrefn ar gyfer paratoi a mabwysiadu'r cod ymarfer. Mae unrhyw god ymarfer o'r fath yn cael ei ddwyn i rym drwy orchymyn Gweinidogion Cymru | Dim gweithdrefn | Nid yw unrhyw orchymyn sy'n dod â chod ymarfer perthnasol i rym yn ddarostyngedig i weithdrefn gan y Senedd. Ystyrir hyn yn briodol oherwydd cyn y gellir gwneud gorchymyn o'r fath, rhaid i'r Comisiwn Etholiadol baratoi ac ymgynghori ar y cod ymarfer, sy'n cynnwys ymgynghori â'r Pwyllgor Llywydd a'r Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad (neu unrhyw bwyllgor olynol). Yn ogystal â hyn, rhaid i unrhyw god ymarfer drafft a gymeradwyir |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|----------|------------------------|------------|---|-------------|--|
| | | | (adran 100C(8) o PPERA). | | gan Weinidogion Cymru gael ei osod gerbron y Senedd am gyfnod o 40 diwrnod cyn y caiff Gweinidogion Cymru wneud gorchymyn yn dod â'r cod hwnnw i rym. Os yw'r Senedd yn penderfynu peidio â chymeradwyo'r cod drafft, ni chaiff Gweinidogion Cymru wneud gorchymyn yn ei dwyn i rym. |
| Adran 41 | Gweinidogion Cymru | Rheoliadau | Mae'n galluogi Gweinidogion Cymru i newid y cyfnod adolygu ac ailosod dyddiad dechrau y cyfnod adolygu ar gyfer adolygiadau o drefniadau etholiadol cymunedol gan brif gyngor | Negyddol | Mae newid y cyfnod adolygu ac ailosod dyddiad dechrau cyfnod adolygu yn fanylion technegol y gallai fod eu hangen os bydd tarfu ar raglen adolygu. Mae enghreifftiau o sefyllfaoedd a |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|---|------------------------|------------|---|-------------|---|
| | | | | | fyddai'n ysgogi defnyddio'r pŵer hwn yn cynnwys argyfwng iechyd cyhoeddus, newid yn y dyddiad ar gyfer etholiad llywodraeth leol neu ddarparu mwy o synergedd rhwng cyfnodau adolygu trefniadau sirol a chymunedol. |
| Adran 57 Adran 69R o Ddeddf 2013 fel y'i mewnosodwyd gan adran 57(2) o'r Bil | Gweinidogion Cymru | Rheoliadau | Mae'n galluogi Gweinidogion Cymru i addasu Rhan 5A i ychwanegu, amrywio neu hepgor darpariaeth sy'n ymwneud â swyddogaeth y Comisiwn neu'n gosod swyddogaeth arno | Cadarnhaol | Ystyrir bod y weithdrefn gadarnhaol yn briodol gan y gellid defnyddio'r pŵer i addasu deddfwriaeth sylfaenol. Mae'n atgynhyrchu'r pŵer a'r weithdrefn yn adran 158 o Fesur Llywodraeth Leol (Cymru) 2011. |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|--------------|-------------------------------|--------------|--|------------------------|--|
| Adran 69 | Gweinidogion Cymru | Rheoliadau | Mae'n rhoi'r pŵer i Weinidogion Cymru wneud rheoliadau o ddefnydd cyffredinol i wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol, ddarfodol neu arbed mewn cysylltiad â darpariaethau o fewn y Bil. | Negyddol a Chadarnhaol | Bydd y rhain yn rhai technegol a gweithdrefnol eu natur. Pan fyddai rheoliadau'n diwygio, yn diddymu neu fel arall yn addasu darpariaeth mewn Deddf Seneddol neu a Deddf neu Fesur Senedd Cymru, ni chaniateir i'r offeryn sy'n cynnwys y rheoliadau gael ei gwneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru a'i gymeradwyo drwy benderfyniad gan y Senedd. |
| Adran 70 | Gweinidogion Cymru | Gorchymyn | Y pŵer i ddechrau darpariaethau penodol | Dim gweithdrefn | Mae hwn yn bŵer i bennu dyddiad dod i |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|--|-------------------------------|--------------|--|--------------------|--|
| | | | mewn perthynas â Biliiau er mwyn galluogi i'r broses o ddod i rym a gweithredu gael eu hamseru'n briodol. | | rym ar gyfer darpariaethau y cytunwyd arnynt eisoes yn y Bil, ac ystyrir ei bod yn briodol nad oes angen gweithdrefn ar gyfer hyn. |
| Atodlen 1 Adran 69K(2)(d) o Ddeddf 2013 fel y'i mewnosodwyd gan adran 57(2) o'r Bil | Gweinidogion Cymru | Rheoliadau | Mae'n galluogi Gweinidogion Cymru i ddynodi corff cyhoeddus sy'n berthnasol at ddibenion yr wybodaeth y caniateir ei chynnwys mewn adroddiad blynyddol ar gydnabyddiaeth ariannol o dan adran 69K. | Negyddol | Galluogi tryloywder llawn y taliad cydnabyddiaeth y mae cynghorwyr yn ei chael gan gyrff cyhoeddus, yn ogystal â'u cyngor eu hunain. |
| Atodlen 1 Adran 69C(2)(e) o Ddeddf 2013 fel y'i mewnosodwyd gan adran 57(2) o'r Bil | Gweinidogion Cymru | Rheoliadau | Mae'n galluogi Gweinidogion Cymru i bennu cyrff sy'n dod o fewn y diffiniad o'r term awdurdod perthnasol at ddibenion Rhan 5A. | Negyddol | Byddai'r pŵer hwn yn galluogi Gweinidogion Cymru i ychwanegu cyrff o fewn y teulu llywodraeth leol at y rhestr o gyrff y |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|---|------------------------|------------|---|-------------|---|
| | | | | | byddai'n ofynnol iddynt ddilyn penderfyniadau Comisiwn Ffiniau a Democratiaeth Cymru mewn perthynas â thaliadau a phensiynau. |
| Atodlen 1 Adran 69D(1) o Ddeddf 2013 fel y'i mewnosodwyd gan adran 57(2) o'r Bil | Gweinidogion Cymru | Rheoliadau | Mae'n galluogi Gweinidogion Cymru i bennu, mewn rheoliadau, ddisgrifiad o aelodau y byddant yn gymwys i gael taliad ailsefydlu. | Negyddol | Mae hyn yn dechnegol ei natur ar y cyfan a byddai'n galluogi Gweinidogion Cymru i bennu'r disgrifiad o'r aelodau y byddai unrhyw daliadau ailsefydlu yn y dyfodol yn berthnasol iddynt. Byddai'r Comisiwn wedyn yn gyfrifol am bennu'r amodau cymhwyso y byddai'n rhaid i |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|--------------|-------------------------------|--------------|--------------------------------------|--------------------|---|
| | | | | | unigolion eu bodloni cyn derbyn taliad. |

Tabl 5.2: Crynodeb o'r pwerau i wneud cyfarwyddydau a dyroddi canllawiau yn narpariaethau Bil Etholiadau a Chyrff Etholedig (Cymru)

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|---|--|---------------|--|--------------------|---|
| Adran 20B(1) o Ddeddf 2013, fel y'i mewnosodwyd gan adran 1(2) | Comisiwn Ffiniau a Democratiaeth Cymru | Cyfarwyddydau | Y pŵer i ddyroddi cyfarwyddydau i swyddogion canlyniadau ynghylch arfer eu swyddogaethau mewn perthynas ag etholiadau a refferenda datganoledig yng Nghymru. Ni fydd cyfarwyddydau'n disodli eu cyfrifoldeb personol presennol i gyflawni eu swyddogaethau neu eu dyletswyddau. | Dim gweithdrefn | Bydd yn ofynnol i Gomisiwn Ffiniau a Democratiaeth Cymru (sy'n gweithredu drwy'r Bwrdd Rheoli Etholiadol) ymgynghori â'r Comisiwn Etholiadol cyn dyroddi cyfarwyddydau. |
| Adran 20C(1) o Ddeddf 2013 (fel y'i mewnosodwyd gan adran 1(2)) | Comisiwn Ffiniau a Democratiaeth Cymru | Cyfarwyddydau | Y pŵer i ddyroddi cyfarwyddydau i swyddogion cofrestru etholiadol ynghylch arfer eu swyddogaethau mewn perthynas ag etholiadau a refferenda datganoledig yng Nghymru. Ni fydd cyfarwyddydau'n disodli eu cyfrifoldeb personol presennol i gyflawni eu swyddogaethau neu eu dyletswyddau. | Dim gweithdrefn | Bydd yn ofynnol i Gomisiwn Ffiniau a Democratiaeth Cymru (sy'n gweithredu drwy'r Bwrdd Rheoli Etholiadol) ymgynghori â'r Comisiwn Etholiadol cyn dyroddi cyfarwyddydau. |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|---|-------------------------------|---------------|---|--------------------|--|
| Adolygiadau etholiadol Adran 50(2) | Gweinidogion Cymru | Cyfarwyddydau | Mae'n galluogi Gweinidogion Cymru i ddyroddi cyfarwyddyd i ohirio adolygiad hyd at ddyddiad penodedig neu gyfarwyddyd pellach | Dim gweithdrefn | Os bydd tarfu o unrhyw fath, fel argyfwng iechyd cyhoeddus neu newid dyddiad etholiadau llywodraeth leol, ni fyddai Gweinidogion Cymru yn gallu lliniaru'r effaith ar y broses adolygu heb y ddarpariaeth hon. |
| Adroddiad drafft – cydnabyddiaeth ariannol S69H(1) | Gweinidogion Cymru | Cyfarwyddydau | Mae'n galluogi Gweinidogion Cymru i gyfarwyddo'r Comisiwn i ailystyried darpariaeth mewn adroddiad blynyddol drafft neu adroddiad atodol drafft | Dim gweithdrefn | Mae'r ddarpariaeth hon eisoes yn bodoli o fewn Mesur 2011. Mae'n cael ei ailadrodd o ganlyniad i'r swyddogaethau sy'n cael eu rhoi i'r Comisiwn drwy'r Ddeddf hon a diddymu Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol. |
| Cydymffurfio – cydnabyddiaeth ariannol S69M(1) | Gweinidogion Cymru | Cyfarwyddydau | Mae'n galluogi Gweinidogion Cymru i ddyroddi cyfarwyddyd i awdurdod lleol | Dim gweithdrefn | Mae'r ddarpariaeth hon eisoes yn bodoli o fewn Bil 2011. Mae'n cael ei ailadrodd o |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|------------------------------|------------------------|---------------|---|-----------------|--|
| | | | i gydymffurfio â gofyniad a bennir gan y Comisiwn | | ganlyniad i'r swyddogaethau sy'n cael eu rhoi i'r Comisiwn drwy'r Ddeddf hon a diddymu Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol. |
| Dal taliadau yn ôl 69O(3) | Gweinidogion Cymru | Cyfarwyddydau | Mae'n galluogi Gweinidogion Cymru i gyfarwyddo awdurdod lleol i ddal taliadau yn ôl mewn cysylltiad â chydabyddiaeth ariannol | Dim gweithdrefn | Mae'r ddarpariaeth hon eisoes yn bodoli o fewn Mesur 2011. Mae'n cael ei ailadrodd o ganlyniad i'r swyddogaethau sy'n cael eu rhoi i'r Comisiwn drwy'r Ddeddf hon a diddymu Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol. |
| Taliad cydnabyddiaeth 69P(2) | Gweinidogion Cymru | Canllawiau | Mae'n galluogi Gweinidogion Cymru i ddyroddi canllawiau i'r Comisiwn mewn perthynas ag arfer ei swyddogaethau o dan y Bil. | Dim gweithdrefn | Bwriad y pŵer i ddyroddi canllawiau yw hwyluso'r broses o gymhwyso'r ddeddfwriaeth sylfaenol. Mae'r |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|---|------------------------|---------------|---|-----------------|--|
| | | | | | canllawiau hyn yn ymwneud yn bennaf â phrosesau ac, o'r herwydd, nid yw gweithdrefn y Cynulliad yn briodol. |
| Taliad cydnabyddiaeth 69P(1) | Comisiwn | Canllawiau | Mae'n galluogi'r Comisiwn i ddyroddi canllawiau i awdurdodau lleol mewn perthynas â'i swyddogaethau o dan Ran 5A. | Dim gweithdrefn | Bwriad y pŵer i ddyroddi canllawiau yw hwyluso'r broses o gymhwyso'r ddeddfwriaeth sylfaenol. Mae'r canllawiau hyn yn ymwneud yn bennaf â phrosesau rhwng y Comisiwn ac awdurdodau lleol ac, fel y cyfryw, nid yw gweithdrefn y Senedd yn briodol. |
| Adran 1(3) o Fesur Llywodraeth Leol (Cymru) 2011, fel y'i diwygiwyd gan adran 26(2) | Gweinidogion Cymru | Cyfarwyddydau | Mae'n galluogi Gweinidogion Cymru i roi cyfarwyddydau i awdurdod lleol i bennu cwmpas a fformat yr arolwg | Dim gweithdrefn | Mae hon yn ddarpariaeth dechnegol i sicrhau cysondeb cwestiynau craidd yr arolwg ym mhob ardal cyngor sir a bwrdeistref sirol. |

| Adran | I bwy y rhoddir y pŵer | Ffurf | Priodoldeb y pŵer dirprwyedig | Gweithdrefn | Rheswm dros y weithdrefn |
|--|------------------------|---------------|--|-----------------|---|
| Adran 14 o Ddeddf 2013, fel y'i diwygiwyd gan baragraff 1(4) o Atodlen 1 | Gweinidogion Cymru | Cyfarwyddydau | Mae hwn yn bŵer sy'n bodoli eisoes yn Neddf 2013 sy'n cael ei ddiwygio i sicrhau annibyniaeth y Comisiwn ynglŷn ag arfer ei swyddogaethau mewn perthynas â'r Bwrdd Rheoli Etholiadol | Dim gweithdrefn | Nid oes newid i'r weithdrefn bresennol ond mae cwmpas y pŵer yn cael ei ddiwygio. |