

Agenda – Local Government and Housing Committee

Meeting Venue:

Committee Room 2

Meeting date: 15 November 2023

Meeting time: 09.00

For further information contact:

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Committee Clerk

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Pre-meeting (08.45 – 09.00)

1 Introductions, apologies, substitutions and declarations of interest

2 Elections and Elected Bodies (Wales) Bill – Evidence Session 1

(09:00 – 10:00)

(Pages 1 – 26)

Dr Christine Huebner, Lecturer in Quantitative Social Sciences, University of Sheffield

Break (10.00 – 10.15)

3 Elections and Elected Bodies (Wales) Bill– Evidence session 2

(10:15 – 11:15)

(Pages 27 – 47)

Jess Blair, Director, ERS Cymru

Dr Nia Thomas, Research and Campaigns Officer, ERS Cymru

Megan Thomas, Policy and Research Officer, Disability Wales

Liz Williams, Policy and Public Affairs Manager, RNIB Cymru

Break (11.15 – 11.30)

4 Elections and Elected Bodies (Wales) Bill – Evidence session 3

(11.30 – 12.15)

Ruth Coombs, Head of Wales, Equality and Human Rights Commission



5 Papers to note

(Page 48)

5.1 Levelling-up and Regeneration Bill – Letter from the Chair of the Legislation, Justice and Constitution Committee

(Pages 49 – 50)

5.2 Levelling-up and Regeneration Bill – Letter from the Chair of the Legislation, Justice and Constitution Committee to the Minister for Climate Change

(Pages 51 – 53)

5.3 Elections and Elected Bodies (Wales) Bill – Letter from the Counsel General and Minister for the Constitution

(Pages 54 – 87)

6 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of the meeting

7 Elections and Elected Bodies (Wales) Bill – Consideration of evidence

(12.15 – 12.30)

Document is Restricted

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 Reitelmann, 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

Agenda Item 5

Local Government and Housing Committee

15 November 2023 – papers to note cover sheet

Paper no.	Issue	From	Action point
Paper 5	Levelling-up and Regeneration Bill	Chair of the Legislation, Justice and Constitution Committee	To note
Paper 6	Levelling-up and Regeneration Bill	Chair of the Legislation, Justice and Constitution Committee to the Minister for Climate Change	To note
Paper 7	Elections and Elected Bodies (Wales) Bill	Counsel General and Minister for the Constitution	To note

—
**Legislation, Justice and
Constitution Committee**

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Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee

Paul Davies MS,
Chair, Economy, Trade and Rural Affairs Committee

John Griffiths MS,
Chair, Local Government and Housing Committee

2 November 2023

Dear all,

Levelling-up and Regeneration Bill

We would like to draw your attention to the correspondence we received on 17 October from the Minister for Climate Change, in response to our report on the Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Levelling-up and Regeneration Bill.

You may wish, in particular, to be aware of the following paragraph in the Minister's letter, in response to Recommendations 8 and 10 in our report:

"The LUR Bill does not have any direct implications for the duties on the Welsh Government in WFG Act [Well-being of Future Generations (Wales) Act 2015]. It does however result in a potentially confusing policy landscape given we have set out the long term well-being goals for Wales with associated indicators and national milestones looking ahead to 2050. Public bodies have a legal duty under the WFG Act and we would expect them to discharge their legal duties and design

and deliver well-being objectives that contribute to the achievement of Wales' well-being goals."

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair

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

**Legislation, Justice and
Constitution Committee**

Julie James MS,
Minister for Climate Change

2 November 2023

Dear Julie,

Levelling-up and Regeneration Bill

Thank you for your letter of 17 October in response to our report on the Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Levelling-up and Regeneration Bill.

We have some follow-up questions and these are set out in the Annex to this letter. We would be grateful to receive a response by 22 November 2023. I am copying this letter to the respective Chairs of the Climate Change, Environment and Infrastructure Committee, the Economy, Trade and Rural Affairs Committee and the Local Government and Housing Committee.

Yours sincerely



Huw Irranca-Davies
Chair

Question 1: We would normally expect a Welsh Government response to state whether it accepts or rejects a Committee recommendation. While it is possible to ascertain the Welsh Government's intention with regards to some recommendations, for others it is not. Please can you help us by making clear for the record which recommendations you accept and which ones you do not accept, providing any additional information as necessary.

Question 2: Your response did not directly address recommendation 7. As a result, Members of the Committee raised this on two occasions during the legislative consent debate (RoP paragraphs 346 and 380) but that opportunity was not taken. We would therefore be grateful if you could state whether it is still the Welsh Government's view that Part 1 of the Bill "represents an inappropriate intrusion into the legislative competence of the Senedd".

Question 3: Your collective response covering recommendations 12 and 13 considered the issues in those recommendations in very broad terms. We would be grateful if you would provide a more precise and detailed response, providing the specific information requested in recommendations 12 and 13, in accordance with the deadline set in recommendation 14. We see the relevant issues to be of considerable importance and significance to the Senedd, not least because of the concerns you express in paragraphs 93 to 103 and paragraph 111 of the Supplementary Legislative Consent Memorandum (Memorandum No. 4).

Question 4: We seek your further assistance with recommendation 18, which we do not feel has been adequately answered. We do not feel that any of the legislative consent memoranda provide an appropriate level of detail about the scope of the regulation-making powers being provided to the Welsh Ministers by this Bill being taken through the UK Parliament. We also note that you state in your response to recommendation 18 that more detail is provided in the response to recommendation 22, but this detail is not apparent. We would therefore be grateful if you would provide the information requested to the first bullet point of recommendation 18.

Question 5: In light of your response to recommendation 18, it would be helpful to understand why you have taken powers to make regulations through a UK Bill when you do not yet appear to have considered how you intend to use these powers or when you will use them?

Question 6: In light of your response to recommendation 18, please can you set out when you intend to undertake the engagement you refer to, and therefore be in a position to provide a response to the second and third bullet points of recommendation 18?

Question 7: Recommendation 22 has not in our view been answered adequately, particularly because the various legislative consent memoranda did not track changes in clause numbers as the Bill passed through the UK Parliament. Please can you therefore provide the information requested. The information should be separate from the Explanatory Notes (should the Bill receive Royal Assent)

given that such Notes are unlikely to cover the relationships with existing Welsh legislation (such as the *Well-being of Future Generations (Wales) Act 2015*) and in order to provide open, transparent and accessible information to the Senedd and Welsh stakeholders.

Question 8. During the debate you stated:

*"We had long conversations with UK Government Ministers about how we might protect the position of the Welsh Parliament and of the Welsh Government in terms of having to take into account our issues on it. I'm satisfied that in having to write a report to Parliament that sets out why we have a problem—because that's the only reason why they'd be doing it; if we didn't have a problem, there'd be no such report—they would themselves have to go through a process that made them think about why they weren't able to look at that, and, of course, it does expose that to parliamentary scrutiny. I think we would probably be able to **develop a similar process** here that would enable us to express a view on it. It's not perfect, I completely agree, but it's a great deal better than where we started, and if we don't do this we will have a **gap in our legislation**, which is much worse. I accept it's a compromise." [RoP, paragraph 404, our emphasis]*

Please could you provide more details of:

- the "similar process" you refer to and what that might entail?
- the specific gap in Welsh legislation that is now being filled?

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

**Llywodraeth Cymru
Welsh Government**

John Griffiths, MS
Chair
Local Government and Housing Committee
Senedd Cymru
Cardiff Bay
CF99 1SN

10 November 2023

Dear John,

Ahead of meeting with the Committee on 7 December, I attach to this letter a corrected version of Chapter 5 of the Explanatory Memorandum for the Elections and Elected Bodies (Wales) Bill ('the Bill') for your information. Amendments have been made to rows 3-6 in table 5.1 of this Chapter to ensure that factual and cross references regarding electoral pilots align with the Bill as introduced. These amendments will be included in the Explanatory Memorandum when it is updated and republished at the next available opportunity.

I look forward to giving evidence again to the Committee on 7 December.

I am also writing to the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,



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.

**Chapter 5 of the Explanatory Memorandum to the
Elections and Elected Bodies (Wales) Bill
November 2023**

5. Power to make subordinate legislation

5.1 The Bill contains provisions to make subordinate legislation and issue determinations. Table 5.1 (subordinate legislation) and Table 5.2 (directions and guidance) set out in relation to these:

- i. the person upon whom, or the body upon which, the power is conferred;
- ii. the form in which the power is to be exercised;
- iii. the appropriateness of the delegated power;
- iv. the applied procedure; that is, whether it is “affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.

5.2 The Welsh Government will consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of consultation will be decided when the proposals have been formalised.

Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Elections and Elected Bodies (Wales) Bill

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
New section 20E(3)(c) of the 2013 Act (as inserted by section 1)	Welsh Ministers	Regulations	This allows Welsh Ministers to confer further functions (in addition to new sections 20A to 20D of the 2013 Act and chapter 3 of Part 1 of the Elections and Elected Bodies (Wales) Act 2024 (Welsh elections piloting and reform)) on the Commission, to be exercised by the Electoral Management Board. In particular, it is envisaged that regulations made under section 27 (Welsh Elections Information Platform) could confer functions on the	Negative or affirmative	Where the conferral of any new function requires amendments to be made to an Act of the UK Parliament, a Measure of the National Assembly for Wales or an Act of the Senedd, the regulations conferring that new function will be subject to the affirmative resolution procedure. In all other cases the negative procedure will apply (section 71(2) and (3) of the 2013 Act (as amended by paragraph 1(5)(b) of Schedule 1 to this Act refers). Where the

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>Commission in relation to that platform.</p> <p>Also there may be a need in future for Welsh Ministers to confer other functions related to electoral administration on the Commission.</p>		<p>power is used to amend primary legislation, the affirmative procedure is considered to be appropriate. However, in other cases it is considered that the nature of the regulations justifies the negative procedure.</p>
New section 9ZA((6)(a)-(c) of the 1983 Act (as inserted by section 3)	Welsh Ministers	Regulations	<p>This allows Welsh Ministers to make provision about what is required on the notice of election sent to each automatically registered elector. It will allow Welsh Ministers to update the list of required information in line with piloted activity and in the future if evaluation of the</p>	Negative	<p>The substance of this power is set out on the face of the bill i.e. what is required of an ERO to be included in the notice of registration. These regulation making powers would be used to update this list following recommendations from automatic</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			automatic registration scheme highlights the need for essential elector information.		registration pilots, or in the future to reflect any further recommended changes that would support the elector in understanding this process.
Section 5	Welsh Ministers	Regulations	This enables the Welsh Ministers to make regulations for the holding of electoral pilot schemes in connection with relevant electoral matters (as defined by section 5 (3)) at Welsh elections (ordinary elections of Senedd Cymru, ordinary local government elections and local government by-elections). The Welsh Ministers can also use this power to trial the amended registration provisions	Affirmative & negative	Where pilot regulations; <ul style="list-style-type: none"> i. are made without the consent of the local authority required to implement the pilot scheme ; ii. are trialling the amended registration provisions introduced by section 3; or iii. create, remove or modify

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			introduced by section 3(section 5 (4)).		<p>criminal offences,</p> <p>the regulations are subject to the affirmative resolution procedure (section 7 (3) and (4)). It is considered appropriate that in such circumstances the Senedd should be provided with the opportunity to debate the merit of such pilots.</p> <p>All other pilot regulations will be subject to the negative procedure (section 7 (5)). It is considered that this is appropriate as before any pilot regulations are made the Democracy and Boundary Commission</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					Cymru (through its Electoral Management Board) will be required to report on the proposed scheme, and a copy of the report must be laid before the Senedd with the regulations.
Section 8	Welsh Ministers	Regulations	This allows Welsh Ministers to add to, remove from or amend the list of electoral matters (in section 5) in respect of which pilot schemes can be undertaken. This provides flexibility to allow Welsh Ministers to amend the list in line with government commitments. The list cannot, however, be amended to enable pilots to be undertaken in connection with the	Affirmative	This power is limited to enabling the Welsh Ministers to make amendments to the list of electoral matters in respect of which a pilot scheme could be run. If pilot schemes are subsequently taken forward they will be subject to their own regime of evaluation and scrutiny. The affirmative procedure is considered appropriate as it will ensure the Senedd is

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			voting system for returning members of Senedd Cymru, a principal council or a community council.		afforded the opportunity of debating the merits of amending that list.
Section 15 (3)	Welsh Ministers	Regulations	This power enables Welsh Ministers, by regulation, to set out what the Democracy and Boundary Commission Cymru's report on proposed pilots should contain (this function will be exercised through its Electoral Management Board). Section 15(2) prescribes the matters that the Commission must have regard to (as a minimum) when assessing pilot proposals, and the Commission can also make any recommendations they	Negative	This power is limited to enabling the Welsh Ministers to prescribe specific additional criteria that should be taken into account when pilot proposals are evaluated. The matters which must be assessed and reported on are set out on the face of the legislation. The negative procedure is therefore considered appropriate.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			deem relevant (section 15(4)). This power will provide flexibility in the future if Welsh Ministers wish to Stipulate additional criterion that should be taken into account when proposals for pilot schemes are evaluated.		
Section 17 (4)	Welsh Ministers	Regulations	This power enables Welsh Ministers, by regulation, to set out what the Democracy and Boundary Commission Cymru's guidance on undertaking a pilot scheme should contain. In addition to the requirements set out on the face on the Bill (section 17(2)), and in addition to anything the Commission deem	Negative	This power is limited to enabling the Welsh Ministers to add matters to the issues that should be addressed in the guidance issued by the Commission for the running of a pilot. The negative procedure is recommended because the Bill already contains the basic requirements of

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			relevant (section 17(3)), the Welsh Ministers can require additional issues to be included in the guidance that is issued by the Commission.		that guidance, and the Commission, through the Bill provisions, are also free to provide guidance on any additional matters they feel relevant, and this does not require Welsh Ministers agreement. This power is largely administrative.
Section 19 (3)	Welsh Ministers	Regulations	This power enables Welsh Minister to make permanent changes to electoral law following a successful pilot. Such regulations can however, only be made on the recommendation of the Electoral Commission.	Negative enhanced & Affirmative enhanced	Where reform regulations; <ul style="list-style-type: none"> i. modify primary legislation; ii. create or widen the scope of a criminal offence; or iii. create or amend a power to legislate, they will be subject to the affirmative procedure (section 20

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>(3) and (4)), but the Senedd or a committee of the Senedd reporting on the regulations can resolve, within 30 days of the draft regulations being laid, that an enhanced affirmative should apply to such regulations (section 20(13)). This enhanced affirmative procedure requires the Welsh Ministers to have regard to any representations; any resolutions of the Senedd; and any recommendations of a committee of the Senedd charged with reporting on the draft regulations, made within 60 days of the regulations being laid.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>The Welsh Ministers may only make the regulations (without material changes) if the Senedd approves them after the 60 day period expires. If after the 60 day period the Welsh Ministers wish to proceed with the draft regulations, but with material changes, the revised draft regulations must be laid before the Senedd together with a statement summarising the changes, for approval by the Senedd.</p> <p>For all other statutory instruments containing reform regulations an enhanced negative procedure will apply</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>(section 20 (5)). This requires the Welsh Ministers, where they consider the negative procedure to be appropriate, to make a statement to that effect and to lay a draft of the regulations before the Senedd together with a memorandum setting out their statement and the reasons for their opinion. The Welsh Ministers may only proceed to make the regulations by way of the negative procedure if a relevant Senedd Committee makes a recommendation as to the appropriate procedure, or 14 days pass from the laying of</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>the draft regulations and no recommendation is received from the committee.</p> <p>It is considered that both of these procedures are appropriate as they provide for additional Senedd scrutiny reflecting the nature of the reform regulations.</p>
Section 27(1)	Welsh Ministers	Regulations	This requires Welsh Ministers, through regulations, to provide for a Welsh elections information platform. Welsh Ministers may decide who is the best organisation to provide for such a platform and what information, in addition to that prescribed in primary	Affirmative and negative	The affirmative procedure is applicable where regulations made under this section relate to subsection (4)(c), that is to say where the regulations confer exemptions from civil and criminal liability in connection with the publication of

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>legislation, should be provided to voters to support their participation in Senedd and principal council elections in Wales with a power to include information in relation to local government elections. The regulations must also set out a reporting regime on the running and effect of the Welsh elections information platform.</p>		<p>candidate statements and other candidate information. This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this area due to the political importance to the whole Senedd of limiting such liability.</p> <p>The negative procedure is to be used where regulations are made in relation to conferring functions on persons, about the publication of information on the platform, including the publication of candidate statements and other information</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					in relation to candidates, and making the information on the platform available other than by electronic means. This allows the requirements around reporting on the running and effectiveness of the platform to be set out. This procedure is appropriate as it is likely to be relate to administrative issues rather than issues of policy substance.
Section 28(8)	Welsh Ministers	Regulations	Enables the Welsh Ministers to add, amend or remove services added to those that may be provided to promote diversity in persons seeking elected office.	Affirmative	This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this area due to the

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>political importance to the whole Senedd. It is felt the affirmative procedure is appropriate for these regulations to ensure transparency and political neutrality. In addition, as this power includes the amendment of primary legislation the affirmative procedure is felt to be appropriate.</p>
Section 29(1)	Welsh Ministers	Regulations	Enables Welsh Ministers to provide for schemes of financial assistance to help candidates, who have specified characteristics or circumstances, overcome barriers to their participation in the election connected to	Affirmative	This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this area due to the political importance to the whole Senedd. It is felt the affirmative

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>those characteristics or circumstances.</p> <p>Requires Welsh Ministers to appoint or provide for the appointment of a person to operate the scheme for which they provide.</p> <p>Enables Welsh Ministers to confer functions on a person and provide for the delegation of those functions, requires a person upon who functions are conferred to keep and make available for inspection, accounts and other records and requires another person, to publish specified information about financial assistance</p>		<p>procedure is appropriate for these regulations to ensure transparency and political neutrality.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>given in accordance with the scheme (however such a duty to publish is not imposed when such would (taking the duty into account) contravene the data protection legislation within the meaning of the Data Protection Act 2018.</p> <p>Enables financial assistance to be given subject to conditions and specify the circumstance in which such assistance is to be repaid.</p>		
Section 29 (2)	Welsh Ministers	Regulations	Requires Welsh Ministers to set out in regulations arrangements to provide financial support to disabled candidates standing in	Affirmative	This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>a Welsh election overcome barriers to their full and effective participation in the election connected to their disability.</p> <p>Enables Welsh Ministers to confer functions on a person and provide for the delegation of those functions, requires a person upon who functions are conferred to keep and make available for inspection, accounts and other records and requires another person, to publish specified information about financial assistance given in accordance with the scheme (however such a duty to</p>		<p>area due to the political importance to the whole Senedd. It is felt the affirmative procedure is appropriate for these regulations to ensure transparency and political neutrality.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>publish is not imposed when it would (taking the duty into account) contravene the data protection legislation within the meaning of the Data Protection Act 2018.</p> <p>Enables financial assistance to be given subject to conditions and specify the circumstance in which such assistance is to be repaid.</p>		
Section 156 of the 2000 Act (as amended by section 34(2))	Welsh Ministers	Order	Paragraph 14A of Schedule 4A to the RPA 1983 (as amended by the Bill) allows the Electoral Commission to prepare guidance for use by campaigners, setting out the legal	No procedure	Prior to the making of an order to bring any guidance into force, the Welsh Ministers must lay the draft guidance before the Senedd for a period of

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			requirements around campaign expenditure at local government elections. Welsh Ministers bring the guidance into force by order. The Bill amends section 156(3) of the RPA 1983 so that such orders are not the subject of a Senedd procedure.		40 days. If the Senedd resolve not to approve the guidance no order bringing it into force can be made by the Welsh Ministers. As the draft guidance is subject to the full scrutiny, it is considered appropriate that a subsequent order to bring that guidance into force is not subject to a further Senedd procedure,
Section 88(11) of the 2000 Act (as amended by section 37(2))	Welsh Ministers	Order	This enables the Welsh Ministers to amend the list of descriptions of third parties, provided for in section 88(2) of PPERA, who are able to register to campaign in a regulated Senedd election period, thus allowing them to incur	Affirmative	As this power allows for primary legislation to be amended it is considered appropriate that the Senedd should be afforded the opportunity of debating the merits of any such amendment

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>expenditure of over £700. An order can add, remove or modify a description of those third parties. The descriptions of third parties can however, only be removed or modified on the recommendation of the Electoral Commission. This will ensure the list of eligible third parties can be maintained in the face of any developments, and avoiding unnecessarily preventing a new type of third party from being able to campaign in an election.</p>		<p>and the use of the power is therefore subjected to the affirmative procedure. In addition, where the Welsh Ministers propose removing third parties from the list, or amending the description of those third parties, in respect of the relevant campaign period, they will only be able to do so on the recommendation of the Electoral Commission.</p>
New sections 100A and 100C of the 2000 Act (as inserted by section 38(2) and (4))	Welsh Ministers	Order	Section 38 of the Act inserts new provision into PPERA requiring the Electoral Commission to prepare	No procedure	Any order bringing a relevant code of practice into force is not subject to a Senedd procedure.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>a code of practice about the controls on third party expenditure during a Senedd election campaign (section 38(2)(a) inserts a new section 100A(1A) into PPERA). Section 38 (4) inserts a new section 100C into PPERA setting out the procedure for the preparation and adoption of the code of practice. Any such code of practice is brought into force by order of the Welsh Ministers (section 100C(8) of PPERA).</p>		<p>This is considered appropriate as before such an order can be made, the code of practice must be prepared and consulted upon by the Electoral Commission, which includes consultation with the Llywydd's Committee and the Legislation, Justice and Constitution Committee (or any successor committee). In addition, any draft code of practice approved by the Welsh Ministers, must be laid before the Senedd for a period of 40 days before the Welsh Ministers can make an order bringing that code into</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					force. If the Senedd resolve not to approve the draft code no order bringing it into force can be made by the Welsh Ministers.
Section 41	Welsh Ministers	Regulations	Enables the Welsh Ministers to change the review period and reset the start date for the review period for reviews of electoral arrangements for a community by a principal council.	Negative	Changing the review period and re-setting the start date of a review period is a technical detail which may be needed in the event of disruption to a review programme. Examples of situations which would trigger the use of this power includes a public health emergency, a change in the date for local government election or to provide greater synergy the review periods of both county and community arrangements.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
<p>Section 57</p> <p>Section 69R of the 2013 Act as inserted by section 57(2) of the Bill</p>	Welsh Ministers	Regulations	Enables Welsh Ministers to modify Part 5A to add, vary or omit provision concerning or imposing a function on the Commission.	Affirmative	The affirmative procedure is considered appropriate as the power could be used to modify primary legislation. It replicates the power and the procedure in section 158 of the Local Government (Wales) Measure 2011.
Section 69	Welsh Ministers	Regulations	Provides the power for the Welsh Ministers to make regulations of general application to make supplementary, incidental, consequential, transitional, transitory or saving provision in respect of provisions within the Bill.	Negative and Affirmative	<p>These will be technical and procedural in nature.</p> <p>Where regulations would amend, repeal or otherwise modify a provision of an Act of Parliament or and Act or Measure of Senedd Cymru, the instrument containing the</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
Section 70	Welsh Ministers	Order	Power to commence certain Bill provisions by order to enable coming into force and implementation to be appropriately timed.	No procedure	This is a power to set a coming into force date for provisions already agreed in the Bill, it is considered appropriate that this does not require a procedure.
Schedule 1 Section 69K(2)(d) of the 2013 Act as inserted by section 57(2) of the Bill	Welsh Ministers	Regulations	Enables Welsh Ministers to designate a public body relevant for the purposes of the information that may be included in annual remuneration report under section 69K.	Negative	To enable full transparency of the remuneration councillors receive from public bodies as well as their own council.
Schedule 1	Welsh Ministers	Regulations	Enables Welsh Ministers to specify	Negative	This power would enable Welsh

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
Section 69C(2)(e) of the 2013 Act as inserted by section 57(2) of the Bill.			bodies that fall within the definition of the term relevant authority for the purposes of Part 5A.		Ministers to add bodies within the local government family to the list of bodies which would be required to follow the determinations of the Democracy and Boundary Commission Cymru in relation to payments and pensions.
Schedule 1 Section 69D(1)(b) of the 2013 Act as inserted by section 57(2) of the Bill	Welsh Ministers	Regulations	Enables Welsh Ministers to specify in regulations a description of members to whom a resettlement payment would apply.	Negative	This is largely technical in nature and would enable Welsh Ministers to specify the description of members for which any future resettlement payments would apply. The Commission would then be responsible for setting the qualifying conditions which individuals

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					would have to meet prior to receiving payment.

Table 5.2: Summary of powers to make directions and issue guidance in the provisions of the Elections and Elected Bodies (Wales) Bill

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
Section 20B(1) of the 2013 Act, as inserted by section 1(2)	Democracy and Boundary Commission Cymru	Directions	Power to issue directions to returning officers about the exercise of their functions in relation to devolved Welsh elections and referendums. Directions will not replace their existing personal responsibility to discharge their functions or duties.	No procedure	The Democracy and Boundary Commission Cymru (acting through the Electoral Management Board) will be required to consult with the Electoral Commission before issuing directions.
Section 20C(1) of the 2013 Act, as inserted by section 1(2)	Democracy and Boundary Commission Cymru	Directions	Power to issue directions to EROs about the exercise of their functions in relation to devolved Welsh elections and referendums. Directions will not replace their existing personal responsibility to discharge their functions or duties.	No procedure	The Democracy and Boundary Commission Cymru (acting through the Electoral Management Board) will be required to consult with the Electoral Commission before issuing directions.
Electoral reviews Section 50(2)	Welsh Ministers	Directions	Enables Welsh Ministers to issue a direction to pause a	No procedure	In the event of disruption such as a

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			review until a specified date or further direction		public health emergency or change in date of local government elections Welsh Ministers would be unable to mitigate the impact on the review process without this provision.
Draft report – remuneration S69H(1)	Welsh Ministers	Directions	Enables the Welsh Ministers to direct the Commission to reconsider a provision of a draft annual or draft supplementary report	No procedure	This provision already exists within the 2011 Measure. It is being replicated as a result of the functions being conferred on the Commission through this Act and the dissolution of the Independent Remuneration Panel for Wales.
Compliance – remuneration S69M(1)	Welsh Ministers	Directions	Enables Welsh Ministers to issue a direction to a local authority to comply with a	no procedure	This provision already exists within the 2011 Measure. It is being replicated as a result of the functions being

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			requirement set out by the Commission		conferred on the Commission through this Act and the dissolution of the Independent Remuneration Panel for Wales.
Withholding payments 69O(3)	Welsh Ministers	Directions	Enables Welsh Ministers to direct a local authority to withhold payments in respect of remuneration	No procedure	This provision already exists within the 2011 Measure. It is being replicated as a result of the functions being conferred on the Commission through this Act and the dissolution of the Independent Remuneration Panel for Wales.
Remuneration 69P(2)	Welsh Ministers	Guidance	Enables the Welsh Ministers to issue guidance to the Commission in relation to the exercise of its functions under the Bill.	No procedure	The power to issue guidance is intended to facilitate the application of the primary legislation. This guidance is largely concerned with process

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					and, as such, Assembly procedure is not appropriate.
Remuneration 69P(1)	Commission	Guidance	Enables the Commission to issue guidance to local authorities in relation to its functions under Part 5A.	No procedure	The power to issue guidance is intended to facilitate the application of the primary legislation. This guidance is largely concerned with process between the Commission and local authorities and, as such, Senedd procedure is not appropriate.
Section 1(3) of the Local Government (Wales) Measure 2011, as amended by section 26 (2)	Welsh Ministers	Directions	Enables Welsh Ministers to issue directions to a local authority to specify the scope and format of the survey	No procedure	This is a technical provisions to ensure consistency of the core survey questions in all county and county borough council areas.
Section 14 of the 2013 Act, as amended by	Welsh Ministers	Directions	This is an existing power in the 2013 Act which is being amended to ensure the	No procedure	There is no change to the existing procedure but the scope of the

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
paragraph 1(4) of Schedule 1			independence of the Commission in relation to the exercise of its functions in respect of the Electoral Management Board		power is being amended.