

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.

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