

Part G – Absent voting

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Applications

Eligibility

1.1 Any elector on the register of electors can apply to be an absent voter for those elections in which they are eligible to vote. Applications for an absent vote (postal or proxy) can be made for an indefinite period, for a definite period or for a particular election.

1.2 All registered electors have the option to vote by post. In the case of applications to vote by proxy, however, there are requirements to be met in terms of the reasons for the application and attestation, which depend on whether the application is for a single election or for a longer period.



Full details of the requirements for proxy applications are provided in Section 4, 'Proxy voting'.

Content and supply of forms

1.3 The application form for an absent vote is not prescribed, although some parts of the application require information to be presented in a specific format.

1.4 There are a number of pieces of information that must be included on an absent vote application by law. In normal circumstances, the application must be made in writing and be dated, and include the following information:¹

- the full name of the elector
- the address where the elector is (or has applied to be) registered to vote
- the elector's signature
- the elector's date of birth
- whether the application is for a particular election, a particular period or an indefinite period, and if it is for a particular period it should specify that period
- whether it is for Parliamentary elections, local government elections or both
- in the case of a postal vote application, the address where the postal ballot pack should be sent, and if this is not the registered address, a reason for the redirection
- in the case of an application for a proxy vote, the full name and address of the proxy
- in the case of an application for a proxy vote, the grounds on which the applicant claims to be entitled to a proxy vote

¹ Regulation 51, RPR 2001; Paragraph 1, Schedule 1, NAW (RoP) Order 2007; Regulation 3, RP (AV) (Scotland) Regulations; Paragraph 1, Schedule 3, Scottish Parliament Order.

1.5 Where an applicant is unable to provide a signature, they must provide reasons with their application for their request to have the signature requirement waived, along with the name and address of any person who has assisted them with the completion of the application.² Further guidance on the waiver procedure can be found in Section 6, 'Waivers', below.

1.6 Although there is no prescribed form for applying for an absent vote, the regulations require that on an application the personal identifiers (i.e. the signature and date of birth) are set out in a manner that is sufficiently clear and unambiguous as to allow electronic scanning into the Electoral Registration Officer's record, by configuring the information as follows:³

- the signature shall appear against a background of white unlined paper of at least 5 cm long and 2 cm high, and
- the applicant's date of birth shall be configured numerically in the sequence of day, month and year, i.e. DD MM YYYY

1.7 This provision is limited to requiring the information to be configured in the above two ways. It does not mean that Electoral Registration Officers can impose any other conditions on the way the information is configured, even if to do so would make it easier to scan the identifiers: for example, the Electoral Registration Officer cannot mandate a certain thickness or colour of paper for an application. As long as the identifier fields feature the required contrast and the application meets all of the other legislative requirements, the form must be accepted.

1.8 An application for an absent vote does not have to be made on a particular form, although in all circumstances the personal identifiers provided must be clear and unambiguous by being configured as required by the regulations. An application can be in the form of a letter, as long as it contains all the information required in law for an application to be valid.

1.9 Electoral Registration Officers must accept any application that arrives in the prescribed format – i.e. with the date of birth and signature fields as prescribed.⁴ Whatever software system is used must be able to accept applications if these provisions are fulfilled, and applications should not be rejected on the grounds that they are not made on a form produced by the Electoral Registration Officer.

1.10 The location of the signature and date of birth on an application is not prescribed. If the signature and date of birth fields are set out so as to meet the size, format and contrast requirements outlined above, wherever the fields may be on the form, they must be deemed to be in accordance with the regulations.

² Regulation 51(2)(f), RPR 2001; Paragraph 1(1)(f), Schedule 1, NAW (RoP) Order 2007; Paragraph 1(1)(f), Schedule 3, Scottish Parliament Order.

³ Regulation 51(3A), RPR 2001; Paragraph 1(3), Schedule 1, NAW (RoP) Order 2007; Paragraph 1(1A), Schedule 3, Scottish Parliament Order.

⁴ Regulation 51(3A), RPR 2001; Paragraph 1(3), Schedule 1, NAW (RoP) Order 2007; Paragraph 1(1A), Schedule 3, Scottish Parliament Order.

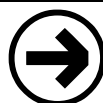
1.11 The design of absent vote application forms is crucial to facilitate the provision and data capture of personal identifiers.

1.12 Many Electoral Registration Officers design their own absent vote application forms to suit their local circumstances. At the form design stage care must be taken to ensure that the requirements are clear and can be easily understood. For example, we would recommend that the date of birth boxes be positioned above the signature on the form and that the space for providing the date of the application is below the signature in order to reduce the incidence of applications where the date of birth is not given correctly.



Basic guidelines on form design can be found in Part I, 'Accessibility and participation'.

1.13 In addition to those produced by Electoral Registration Officers, a number of other organisations, including the Electoral Commission and political parties, also provide application forms. The Commission's application form is produced in a format agreed by the Ministry of Justice to ensure that the identifiers can be scanned in correctly. Although the Commission's form may differ slightly from those produced by individual councils or parties, it was designed to meet, and passed, the requirements of all scanning companies.

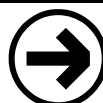


Copies of the Commission's application forms are available at www.electoralcommission.org.uk and can also be ordered free of charge from our distributor. Order details can be found in Part A, 'Context', Section 6, 'Resources'.

1.14 Electoral Registration Officers might find it helpful to liaise with the local political parties in order to ensure that they are aware of the requirements governing the manner in which the fields to collect the applicant's signature and date of birth are to be set out and, if necessary, to provide them with a suitable template for any applications that they may issue. The major political parties have been informed of the agreed print constraints and have amended their form design accordingly.

1.15 It is essential for Electoral Registration Officers to consider how they will capture information from forms that they have not produced themselves and from any valid applications received that are not provided on a specific form.

1.16 Electoral Registration Officers must supply, free of charge, a reasonable quantity of absent vote application forms to people who wish to use them in connection with an election,⁵ which includes political parties.



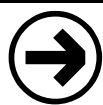
In the event of the Electoral Registration Officer having any contact with candidates and agents, it should be explained that any party workers collecting postal vote application forms from electors should deliver the forms, without delay, directly to the Electoral Registration Officer.

⁵ Regulation 4, RPR 2001.

The Commission has agreed a Code of conduct relating to postal votes with the major political parties. A copy of this Code is contained in the Commission's *Guidance for candidates and agents*.

Receipt of applications

1.17 Absent vote applications must be made in writing. This includes applications sent by fax as long as they are in a legible and unambiguous form capable of being used for subsequent reference, and the personal identifiers are set out in the prescribed manner.⁶ It is worth ensuring that there is sufficient fax toner and paper in the electoral registration office, particularly close to the deadline by which applications must be received in order to be valid for a particular election.



Section 2, 'Absent voting timetable', below, sets out the deadlines by which absent vote applications must be received by the Electoral Registration Officer in order to be valid for a particular election.

1.18 Applications submitted as a scanned attachment to an email should also be accepted, although there must be a signature on the attachment: an application should only be accepted by email if it consists of the scanned image of the signed application form. Whatever system is used for capturing the identifiers, it must have the capacity for dealing with signatures that are transmitted by these means.

1.19 All applications should be date-stamped upon receipt. This is particularly important in the lead-up to an election. On the last day for submission of applications ahead of a particular election, it is also advisable to record the time of receipt, particularly in respect of any applications received after the 5pm deadline.

1.20 Electoral Registration Officers should have in place robust arrangements for the transmission of application forms received at other premises operated by the council that appointed the Electoral Registration Officer. If the premises are linked by fax, this will be helpful, although a system should be in place to ensure that the fax has been correctly transmitted and received. Such arrangements will be of particular importance shortly before the deadline for applications ahead of an election. All in-trays, post boxes and desks of absent colleagues should also be checked at those times in order to ensure that no forms are missed.

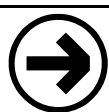
1.21 Occasionally, electors will send their applications to the wrong Electoral Registration Officer. Again, it is desirable to have in place robust arrangements for the rapid, onward transmission of such forms. Telephone calls and faxes may be necessary, particularly if the application is received close to the closing date for a particular election.

⁶ Regulations 5 and 51(3A), RPR 2001; Paragraph 1(3), Schedule 1, NAW (RoP) Order 2007; Paragraph 1(1A), Schedule 3, Scottish Parliament Order.

Processing absent vote applications

1.22 Absent vote applications should be processed as soon as practicable after receipt. This will be of particular importance in advance of an election where applications are received close to the deadline.

1.23 In an election period, Electoral Registration Officers may consider making arrangements for additional staff to deal with any large volume of absent vote applications received close to the deadline. Where any temporary staff are used, training and precise instructions will need to be provided. There will also need to be a clear route for staff to follow in order to get assistance with difficult enquiries. It is important that all staff, in particular those who are not experienced in processing applications, are aware of the statutory requirements that they should be checking for in absent vote applications.



A template of instructions for temporary staff involved in the receipt and checking of absent vote application forms is provided in Section 10, 'Resources'.

Determining applications

1.24 As each application is received, it must be checked to ensure that the elector is included, or will be included, on the relevant register of electors. A person who is not included on the register is not entitled to vote and therefore cannot vote by post or proxy.⁷ Applications for registration which have been determined as valid are due to be included in the register, and so absent vote applications may be accepted for such applicants even though they are not electors until the publication date of the next revised version of the register or notice of alteration as appropriate. Where possible, the elector letters/numbers of each elector should be entered on the front of the form in order to enable easy identification for checking.

1.25 Once the application has passed this initial check, it must be scrutinised to ensure that it satisfies the prescribed requirements set out above.

1.26 Electors who apply for an absent vote are required to provide both their date of birth and signature, or to obtain a waiver of the signature requirement (see Section 6, 'Waivers'). If applications, excluding those accompanied by a waiver of the signature requirement, are received with only one identifier, the Electoral Registration Officer should, where possible, make further enquiries with a view to obtaining the 'missing' identifier. If the 'missing' identifier is not submitted, the application must not be allowed.

1.27 The regulations allow Electoral Registration Officers to compare a signature or date of birth on an absent vote application against any other signature or date of birth that they may hold, or that is held by their employing

⁷ Paragraphs 3(1)(a), 3(2)(b), 4(1)(a), 4(2)(b), 6(8)(a) and 7(5)(a), Schedule 4, RPA 2000; Articles 8(1)(b), 9(1)(b), 11(6)(a), 11(7)(a) and 12(5)(a), NAW (RoP) Order 2007; Articles 9(1)(a), 9(2)(b), 10(1)(a), 10(2)(b), 11(7)(a) and 12(4)(a), Scottish Parliament Order.

local authority or by the Returning Officer.⁸ It may be the case that an Electoral Registration Officer will not hold a signature for an individual applying for an absent vote and so there will be nothing to check the signature against. Also, as the person signing the household canvass form does not have to print their name, it is not always obvious who has signed the form, if indeed the name of the person signing is actually included on the form. The Electoral Registration Officer may, however, hold a rolling registration form for a particular individual, which could be checked.

1.28 It is clearly for Electoral Registration Officers to determine how much checking they wish to undertake to satisfy themselves as to the authenticity of a signature, taking into account available resources and access to the signatures held. If an Electoral Registration Officer does have any suspicions about a particular application which can be substantiated, these should be reported to the police. It might be helpful to reference the guidance documents on fraud prevention produced by the Commission, the Association of Chief Police Officers and the Association of Chief Police Officers in Scotland when making the referral.



It is important for Electoral Registration Officers to be vigilant as regards emerging patterns of applications, particularly if they involve ballot paper redirections to an address at which the elector is not registered. If the reason for any particular application reveals circumstances linking that application to others in the area or to a particular address, then these should be reported to the police, even though the Electoral Registration Officer may have no grounds on which to reject applications. In particular, it is recommended that the Electoral Registration Officer agree with their police single point of contact (SPOC) a threshold number of applications being directed to any one address, and notify the police if this threshold is reached without an explanation being apparent to the Electoral Registration Officer.

1.29 The precise method of recording accepted applications will depend upon the systems used by individual Electoral Registration Officers. In the majority of cases, computer systems will be used to store information. It may be helpful to produce precise instructions for staff inputting data, particularly as it may sometimes be necessary to draft in temporary staff to assist with the volume of applications, such as in the run-up to an election.

1.30 Electoral Registration Officers are required to write to all applicants to notify them as to whether their application has been accepted or rejected.⁹ If an application is rejected, the Electoral Registration Officer must give the reason(s) why it has been rejected.

⁸ Regulation 51A, RPR 2001; Paragraph 1(6), Schedule 1, NAW (RoP) Order 2007; Paragraph 1A, Schedule 3, Scottish Parliament Order. Regulation 4 of the RP (AV) (Scotland) Regulations provides only for checking of signatures against those previously provided to the Returning Officer or Electoral Registration Officer.

⁹ Regulation 57, RPR 2001; Paragraph 8, Schedule 1, NAW (RoP) Order 2007; Paragraph 8, Schedule 3, Scottish Parliament Order; Regulation 12, RP (AV) (Scotland) Regulations.

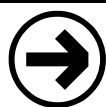


Acknowledgements provide an opportunity to safeguard against potential fraud, or misunderstanding on the part of the elector. If an elector receives an acknowledgement for a postal vote that they have not requested, receipt of the acknowledgement would give the elector an opportunity to get in touch with the Electoral Registration Officer. All responses, along with incidents of non-delivery, should be monitored and, if suspicions are aroused, the police should be advised of the circumstances.

Applications received after the deadline for a particular election

1.31 Any absent vote applications received after the deadline for a particular election must be disallowed for that election, and the elector notified of the fact.¹⁰ If, however, it is a 'permanent' application and the application meets all the prescribed requirements, the elector should be advised that their application will become valid for future elections. If the application is refused, the Electoral Registration Officer must notify the applicant of the decision and the reason for it.

1.32 At a UK Parliamentary election where the Electoral Registration Officer is not also the (Acting) Returning Officer for all or part of the registration area, details of postal applications which have been granted must be forwarded to the (Acting) Returning Officer as soon as practicable.¹¹



The various deadlines for absent voting in relation to elections are set out below in Section 2, 'Absent voting timetable'.

Appeals

1.33 An appeal procedure is provided for persons whose applications are disallowed by the Electoral Registration Officer.¹² The person wishing to appeal must give notice to the Electoral Registration Officer within 14 days of the date of the decision on the application and must specify the grounds of appeal. Electoral Registration Officers must immediately forward the notice to the county court or, in Scotland, the Sheriff, together with a statement:

- of the material facts which have, in their opinion, been established in the case
- of their decision upon the whole case, and
- upon any point which may be specified as grounds of appeal

¹⁰ Regulations 56 and 57, RPR 2001; Paragraphs 7 and 8, Schedule 1, NAW (RoP) Order 2007; Paragraphs 7 and 8, Schedule 3, Scottish Parliament Order; Regulations 11 and 12, RP (AV) (Scotland) Regulations.

¹¹ Regulation 57(6), RPR 2001.

¹² Regulation 58, RPR 2001; Paragraph 9, Schedule 1, NAW (RoP) Order 2007; Paragraph 9, Schedule 3, Scottish Parliament Order; Regulation 13, RP (AV) (Scotland) Regulations.

1.34 If there are several appeals, all made on the same or similar grounds, the Electoral Registration Officer may group them when dispatching them to the court or, in Scotland, the Sheriff.

1.35 The regulations do not specify the procedure that should be followed should the court allow the appeal, but the Electoral Registration Officer should be prepared to add the electors to the record and, if appropriate, to the list prepared for an election. This may, however, be too late to send out a postal vote for that particular election.



In Scotland, an appeal lies on any point of law, from any decision of the Sheriff, to a court of three judges of the Court of Session.¹³

Maintenance of the absent voting record

1.36 Electoral Registration Officers must require absent voters to provide a fresh signature when the signature on their record is more than five years old.¹⁴ This should be kept in mind when designing a filing or archiving system for the identifiers.

1.37 If the signature was received by the Electoral Registration Officer during the transitional arrangements at the introduction of personal identifiers, the age of the application is calculated from the date of the receipt of the notice from the elector. The age of identifiers supplied by new applicants from 1 January 2007 in England and Wales and 8 February 2008 in Scotland is based on the date on which the application was made.

1.38 Each year, only those signatures that are over five years old can be renewed. This does not prevent, however, an absent voter from providing the Electoral Registration Officer with a fresh signature at any time.¹⁵

Storage of absent vote applications

1.39 All personal identifier forms must be retained. These can be scanned and stored electronically. It is recommended that Electoral Registration Officers retain the original documents for a suitable period of time, the safest option being until the elector is no longer an absent voter or until the application is renewed and a new document has been received and stored. After the date the absent vote is cancelled or after the election date if the application is for a particular election, the original forms should be kept for a further 12 months.

1.40 Retention of original documents is desirable in case of any police investigations into electoral malpractice. On occasion, access to the original

¹³ Sections 56 and 57, RPA 1983; Article 5, Scottish Parliament Order.

¹⁴ Regulation 60A, RPR 2001; Paragraph 13, Schedule 1, NAW (RoP) Order 2007; Paragraph 11A, Schedule 3, Scottish Parliament Order.

¹⁵ Paragraph 7A(1), Schedule 4, RPA 2000; Article 13, NAW (RoP) Order 2007; Paragraph 1B, Schedule 3, Scottish Parliament Order.

documents will be preferable for handwriting and forensic analysis. It will also be invaluable in the event where it is found that applications have not scanned well.

2 Absent voting timetable

Timetable for absent voting

2.1 Absent vote applications can be made at any time, and Electoral Registration Officers should process all applications as soon as possible after receipt. There are, however, deadlines in legislation by which absent vote applications must have been received in order to apply at a particular election.

Deadlines for applications in advance of an election

2.2 Deadlines for absent vote applications are statutory.¹⁶ There can be no extension to any of the deadlines for any reason. Applications received after the closing date and time for a particular election cannot be accepted. In such cases, applicants should be notified that their application was not received by the statutory deadline and so cannot be allowed in respect of that election.

2.3 Deadlines for absent voting are calculated by excluding *dies non*, which are Saturdays, Sundays, Good Friday and any other bank holiday.¹⁷ Throughout this guidance, references to 'working' days appear where the time period in question is calculated by excluding *dies non*.

2.4 The deadline for changes (including cancellations) to existing postal, proxy and postal proxy applications is 5pm, 11 working days before the date of the poll.¹⁸

2.5 The deadline for new postal and postal proxy applications is also 5pm, 11 working days before the date of the poll.¹⁹

2.6 The deadline for new proxy (not postal proxy) applications (excluding proxies on the grounds of medical emergencies) is 5pm, six working days before the date of the poll.²⁰

2.7 There is also a provision which allows an elector to appoint a proxy in the case of a medical condition, illness or disability arising after the deadline for ordinary proxy applications, subject to the appropriate attestation being

¹⁶ Regulation 56, RPR 2001; Paragraph 7, Schedule 1, NAW (RoP) Order 2007; Paragraph 7, Schedule 3, Scottish Parliament Order; Regulation 11, RP (AV) (Scotland) Regulations.

¹⁷ Regulation 8, RPR 2001; Paragraph 7(6), Schedule 1, NAW (RoP) Order 2007; Paragraph 7(7), Schedule 3, Scottish Parliament Order; Regulation 11(7), RP (AV) (Scotland) Regulations.

¹⁸ Regulation 56(1), (4) and (5), RPR 2001; Paragraph 7(4) and (5), Schedule 1, NAW (RoP) Order 2007; Paragraph 7(1), (5) and (6), Schedule 3, Scottish Parliament Order; Regulation 11(1), (5) and (6), RP (AV) (Scotland) Regulations.

¹⁹ Regulation 56(1) and (4), RPR 2001; Paragraph 7(1), Schedule 1, NAW (RoP) Order 2007; Paragraph 7(1) and (5), Schedule 3, Scottish Parliament Order; Regulation 11(1) and (5), RP (AV) (Scotland) Regulations.

²⁰ Regulation 56(2) and (3), RPR 2001; Paragraph 7(2), Schedule 1, NAW (RoP) Order 2007; Paragraph 7(2) and (3), Schedule 3, Scottish Parliament Order; Regulation 11(2) and (3), RP (AV) (Scotland) Regulations.

provided.²¹ The closing date for this is 5pm on polling day.²² Mental health patients who are detained under civil powers are also entitled to appoint a proxy after 5pm on the sixth working day before the date of the poll up until 5pm on polling day.²³

²¹ Regulation 55(2), RPR 2001; Paragraph 6(2), Schedule 1, NAW (RoP) Order 2007; Paragraph 5(2), Schedule 3, Scottish Parliament Order; Regulation 10(2), RP (AV) (Scotland) Regulations.

²² Regulation 56(3A), RPR 2001; Paragraph 7(3), Schedule 1, NAW (RoP) Order 2007; Paragraph 7(4), Schedule 3, Scottish Parliament Order; Regulation 11(4)(a), RP (AV) (Scotland) Regulations.

²³ Regulations 55(4) and 56(3A), RPR 2001; Paragraphs 6(4) and 7(3), Schedule 1, NAW (RoP) Order 2007; Paragraphs 5(4) and 7(4), Schedule 3, Scottish Parliament Order; Regulations 10(4) and 11(4)(b), RP (AV) (Scotland) Regulations.

3 Communicating absent voting information

3.1 Electoral Registration Officers are responsible for taking such measures as they consider necessary to publicise the availability of application forms and to draw electors' attention to the closing dates. Expenditure incurred on these activities forms part of the cost of electoral registration and cannot be reclaimed from the election account, even if it is incurred during the run-up to an election. In contrast, the (Acting) Returning Officer is responsible for publishing in the notice of election details of the closing dates for changing existing absent voting arrangements and for new applications and the address of the Electoral Registration Officer to which applications must be made, and the cost of printing and publishing this notice is an election expense.

3.2 Promotional material about absent voting should provide information on the absent voting processes. Many Electoral Registration Officers already provide information about the absent voting processes either with application forms or at council locations and on council websites.

3.3 In such cases, it is good practice to communicate clearly the deadlines for the receipt of postal and proxy applications in relation to elections, including that for making changes to any existing arrangement, and the time at an election when the Returning Officer expects that postal ballot papers will be sent out, bearing in mind that factors such as possible printing or postal delays could result in papers arriving later than planned. This information can assist electors, including those working overseas, in deciding whether postal voting will be an appropriate way for them to choose to cast their vote.

3.4 Application forms should be made available as a matter of course at all of the offices of the local authority and at other premises such as post offices, libraries, doctors' surgeries, Citizens Advice Bureaux, luncheon clubs and pensioners' clubs. Many local authorities now make their forms available to download from their websites. Application forms are also available to download from the Commission's website in a variety of languages and formats.

3.5 Application forms should be available all year round at the outlets mentioned above and extra publicity undertaken as elections approach. For elections in May, any additional publicity should start by the last week of February in order to allow time for forms to be sent out, received back and processed before the closing date.

3.6 Application forms could also be printed in council newsletters with details of where to return the forms to, using a freepost address if possible. It may also be helpful to include the closing date for the return of applications in advance of a particular election and an indication of when postal votes are likely to be dispatched.

4 Proxy voting

Proxy applications for a definite or indefinite period

4.1 There are a number of acceptable reasons in law in respect of which a person can choose to apply to vote by proxy for an indefinite or definite period of time. These reasons are:²⁴

- blindness
- other disability
- occupation/employment/service/attendance on a course
- registered as a service voter or overseas voter
- registered as an anonymous elector
- journey necessary by sea or air to get from the registered address to a polling station

4.2 Proxy applications for an indefinite or definite period for reasons of blindness or other disability (excluding those who are registered blind by the local authority or who are in receipt of the higher rate of the mobility component of the disability living allowance) and occupation/employment/service/attendance on a course require attestation,²⁵ and the reason why a proxy vote is needed must be stated or indicated on the application.

Proxy applications for a particular election

4.3 Applications for a proxy vote for a particular election do not require attestation, but the applicant must specify the circumstances by which they cannot reasonably be expected to vote in person.²⁶ This requirement does not, however, apply to those registered in respect of an overseas electors, service voters or Crown Servants declaration, where the Electoral Registration Officer can be satisfied by the nature of their registration that they cannot be reasonably expected to go to their allotted polling station.²⁷ Also, this requirement does not apply if the applicant is an anonymous elector.²⁸ The decision as to whether the reason given is satisfactory and that the elector cannot reasonably be expected to vote in person is made at the Electoral Registration Officer's discretion, taking each case on its own merits.

²⁴ Paragraph 3(3), Schedule 4, RPA 2000; Article 8(2), NAW (RoP) Order 2007; Article 9(3), Scottish Parliament Order.

²⁵ Regulations 53 and 54, RPR 2001; Paragraphs 4 and 5, Schedule 1, NAW (RoP) Order 2007; Paragraphs 3 and 4, Schedule 3, Scottish Parliament Order; Regulations 8 and 9, RP (AV) (Scotland) Regulations.

²⁶ Paragraph 4(2), Schedule 4, RPA 2000; Regulation 55(1), RPR 2001; Article 9(1), NAW (RoP) Order 2007; Paragraph 6(1), Schedule 1, NAW (RoP) Order 2007; Article 10(2), Scottish Parliament Order; Paragraph 5(1), Schedule 3, Scottish Parliament Order; Regulation 10(1), RP (AV) (Scotland) Regulations.

²⁷ Paragraph 4(2), Schedule 4, RPA 2000; Article 9(1), NAW (RoP) Order 2007; Article 10(2), Scottish Parliament Order.

²⁸ Paragraph 4(2A), Schedule 4, RPA 2000; Regulation 55(1A), RPR 2001; Article 9(2), NAW (RoP) Order 2007; Paragraph 6(6), Schedule 1, NAW (RoP) Order 2007; Article 10(3), Scottish Parliament Order; Paragraph 5(6), Schedule 3, Scottish Parliament Order; Regulation 10(6), RP (AV) (Scotland) Regulations.

Applying to vote by proxy

4.4 A proxy vote application must be made in writing, but can be in any format: a letter, a fax, an email with the elector's scanned signature and a proxy application form are all acceptable, as long as the application contains the necessary information as set out in law, including meeting the requirement that the personal identifiers (the applicant's signature and date of birth) are configured as specified in the regulations.²⁹

4.5 The following information must be included in a proxy vote application in order for it to be valid:³⁰

- the full name of the elector
- the elector's date of birth
- the elector's signature
- the address in respect of which the applicant is (or has applied to be) registered to vote
- the grounds on which the elector claims to be entitled to vote by proxy
- the full name and address of the proxy
- the family relationship between the elector and proxy (if any)
- whether the application is for a particular election, a particular period or an indefinite period, and if it is for a particular period it should specify that period
- whether it is for Parliamentary elections, local elections or both
- the date of application

4.6 The applicant must also either:³¹

- where only they have signed the form, include a statement stating that they have consulted the proxy and that that person is able and willing to be appointed as a proxy, or
- where the proxy has also signed the form, include a statement by the proxy stating that they are able and willing to be appointed as the applicant's proxy

4.7 All electors wishing to appoint a proxy are required to supply their personal identifiers.³² If a person appointed as a proxy wishes to apply for a

²⁹ Regulation 51, RPR 2001; Paragraph 1, Schedule 1, NAW (RoP) Order 2007; Paragraph 1, Schedule 3, Scottish Parliament Order; Regulation 3, RP (AV) (Scotland) Regulations.

³⁰ Regulations 51 and 52, RPR 2001; Paragraphs 1 and 3, Schedule 1, NAW (RoP) Order 2007; Paragraphs 1 and 6, Schedule 3, Scottish Parliament Order; Regulations 3 and 7, RP (AV) (Scotland) Regulations.

³¹ Regulation 52, RPR 2001; Paragraph 3, Schedule 1, NAW (RoP) Order 2007; Paragraph 6, Schedule 3, Scottish Parliament Order; Regulation 7, RP (AV) (Scotland) Regulations.

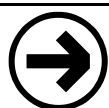
³² Paragraphs 3(2)(c) and 4(2)(c), Schedule 4, RPA 2000; Regulation 51, RPR 2001; Articles 8(1)(c) and 9(1)(c), NAW (RoP) Order 2007; Paragraph 1, Schedule 1, NAW (RoP) Order 2007; Articles 9 (2)(c) and 10(2)(c), Scottish Parliament Order; Paragraph 1, Schedule 3, Scottish Parliament Order.

postal vote, they will also have to supply their identifiers.³³ Table 1 illustrates the identifier requirements.

Table 1: Identifier requirements

Method of voting	Identifiers required	
	Elector	Person appointed as proxy
Proxy to vote at polling station	Yes	No
Proxy to vote by post	Yes	Yes

4.8 Where an applicant is unable to provide a signature, they must provide, together with their application, reasons for their request to have the signature requirement waived, along with the name and address of any person who has assisted them with the completion of the application.³⁴



Practical advice regarding the waiver provisions can be found in Section 6, 'Waivers', below.

Attestation

4.9 Those having to make a journey by sea or air to get to a polling station do not require their application to be attested.³⁵ The Electoral Registration Officer will be able to verify whether a journey by sea or air is required to get from the qualifying address to the relevant polling station from their own local knowledge. This provision only covers journeys from the qualifying address to the polling station and not any such journeys required due to being temporarily absent from the qualifying address, such as being on holiday.

4.10 If a proxy application is being made for an indefinite or definite period for reasons of blindness or other disability (excluding those who are registered blind by the local authority or who are in receipt of the higher rate of the mobility component of the disability living allowance) or occupation/employment/service/attendance on a course, the application must be attested by one of the people specified below.³⁶

Disability or blindness

4.11 Forms should be attested by:

³³ Paragraph 7(5)(c), Schedule 4, RPA 2000; Regulation 51, RPR 2001; Article 12(5)(c), NAW (RoP) Order 2007; Paragraph 1, Schedule 1, NAW (RoP) Order 2007; Article 12(4), Scottish Parliament Order; Paragraph 1, Schedule 3, Scottish Parliament Order.

³⁴ Paragraphs 3(8), 4(5) and 7(11), Schedule 4, RPA 2000; Regulation 51(2)(f), RPR 2001; Articles 8(8), 9(5) and 12(12), NAW (RoP) Order 2007; Paragraph 1(1)(f), Schedule 1, NAW (RoP) Order 2007; Articles 9(7), 10(7) and 12(11), Scottish Parliament Order; Paragraph 1(1)(f), Schedule 3, Scottish Parliament Order.

³⁵ Paragraph 3(3)(d), Schedule 4, RPA 2000; Article 8(2)(e), NAW (RoP) Order 2007; Article 9(3)(e), Scottish Parliament Order.

³⁶ Regulations 53 and 54, RPR 2001; Paragraphs 4 and 5, Schedule 1, NAW (RoP) Order 2007; Paragraphs 3 and 4, Schedule 3, Scottish Parliament Order; Regulations 8 and 9, RP (AV) (Scotland) Regulations.

- a registered medical practitioner or registered nurse treating the applicant for their disability or from whom the applicant is receiving care in respect of that disability
- a Christian Science practitioner treating the applicant for their disability or from whom the applicant is receiving care in respect of that disability
- a person registered as a member of a profession to which the Health Professions Order 2001 applies (i.e. arts therapists, chiropodists, clinical scientists, dieticians, medical laboratory technicians, occupational therapists, orthoptists, paramedics, physiotherapists, prosthetists and orthotists, radiographers, and speech and language therapists) treating the applicant for their condition or from whom the applicant is receiving care in respect of that disability
- a registered dentist, dispensing optician, optometrist, pharmaceutical chemist, osteopath or chiropractor treating the applicant for their disability or from whom the applicant is receiving care in respect of that disability
- the manager of a care home service registered under Part 2 of the Care Standards Act 2000 in England and Wales and under Part 1 of the Regulation of Care (Scotland) Act 2001
- the warden of residential premises provided for persons of pensionable age or disabled persons, where the applicant states that they reside in such an establishment
- the manager (or their authorised representative) of a hospital registered in accordance with Section 145 of the Mental Health Act 1983 in England and Wales and Section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003
- a registered social worker who has arranged care or assistance for the applicant
- a registered chartered psychologist who is treating the applicant for their condition or from whom the applicant is receiving care in respect of that disability

4.12 An applicant who is registered blind does not have to have their application attested if they specify that they are registered blind by the local authority.³⁷ Also, an applicant who states that they are in receipt of the higher rate of the mobility component of a disability living allowance because of the disability or medical condition specified in their application does not require attestation of their application.³⁸

4.13 In all circumstances, except for an application made by an elector detained in a hospital under Section 145 of the Mental Health Act 1983 in England and Wales and Section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003, the person attesting the form must also state their name and address, the qualification held by virtue of which they are

³⁷ Regulation 53(5)(a), RPR 2001; Paragraph 4(5)(a), Schedule 1, NAW (RoP) Order 2007; Paragraph 3(6)(a), Schedule 3, Scottish Parliament Order; Regulation 8(6)(a) and (7), RP (AV) (Scotland) Regulations.

³⁸ Regulation 53(5)(b), RPR 2001; Paragraph 4(5)(b), Schedule 1, NAW (RoP) Order 2007; Paragraph 3(6)(b) Schedule 3, Scottish Parliament Order; Regulation 8(6)(b), RP (AV) (Scotland) Regulations.

attesting the application, and that to the best of their knowledge and belief the applicant cannot reasonably be expected to go to the polling station or to vote there unaided by reason of their disability and that the medical condition or disability is likely to continue either indefinitely or for a period specified by the attester.³⁹

4.14 Where an application is made by an elector detained in a hospital under Section 145 of the Mental Health Act 1983 in England and Wales and Section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003, the person attesting the form must also state their name, the position held in the hospital, a statement confirming that they are authorised to make the attestation, details of the statutory provision under which the applicant is liable to be detained, and that to the best of their knowledge and belief the applicant cannot reasonably be expected to go to the polling station or to vote there unaided by reason of their disability and that the medical condition or disability is likely to continue either indefinitely or for a period specified by the attester.⁴⁰

Occupation/employment/service voter/attendance on a course

4.15 Forms should be attested:⁴¹

- by the applicant's employer or an employee delegated to do so on the employer's behalf, or
- if the applicant is self-employed, by a person aged 18 years or over who knows the person but is not related to them, or
- if the applicant is attending a course, by the tutor of that course or the principal of the educational institution where the course is taking place, or an employee delegated to do so on the principal's behalf

Qualifications for acting as proxy

4.16 Any person is capable of being appointed to vote as proxy for another, as long as they are of voting age and are a British citizen, a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another European Union member state, and are not subject to any legal incapacity to vote.⁴²

4.17 There is no requirement for a proxy to be a registered elector.

4.18 A person is not entitled to vote as proxy in any constituency or electoral area on behalf of more than two electors, except where they are the spouse,

³⁹ Regulation 53(4), RPR 2001; Paragraph 4(4), Schedule 1, NAW (RoP) Order 2007; Paragraph 3(4), Schedule 3, Scottish Parliament Order; Regulation 8(4), RP (AV) (Scotland) Regulations.

⁴⁰ Regulation 53(5A), RPR 2001; Regulation 53(4A), RPR (Scotland) 2001; Paragraph 4(6), Schedule 1, NAW (RoP) Order 2007; Paragraph 3(5), Schedule 3, Scottish Parliament Order; Regulation 8(5), RP (AV) (Scotland) Regulations.

⁴¹ Regulation 54, RPR 2001; Paragraph 5, Schedule 1, NAW (RoP) Order 2007; Paragraph 4, Schedule 3, Scottish Parliament Order; Regulation 9, RP (AV) (Scotland) Regulations.

⁴² Paragraph 6, Schedule 4, RPA 2000; Article 11, NAW (RoP) Order 2007; Article 11, Scottish Parliament Order.

civil partner, parent, grandparent, brother, sister, child or grandchild of the electors.⁴³ There is no limit to the number of these close relatives that a proxy may vote on behalf of.

4.19 It is not an offence to be appointed as proxy by more than two people but it is an offence to vote for more than two people who are not close relatives (as defined above).

Acknowledging proxy and postal proxy applications

4.20 When an Electoral Registration Officer has granted an application to vote by proxy they **must** confirm in writing to the elector that the proxy has been appointed, the name and address of the proxy and the duration of their appointment.⁴⁴ A proxy must also be notified of their appointment.⁴⁵ The form of the proxy paper for this purpose is prescribed.⁴⁶



There is no form of proxy paper prescribed in the Scottish Parliament Order. However, Paragraph 8(3) of Schedule 3 allows Electoral Registration Officers to combine a proxy paper for a Scottish Parliamentary election with a proxy paper being issued in respect of any other election.

4.21 Where the Electoral Registration Officer rejects an application, they must notify the applicant of the decision and the reason for it.⁴⁷

Voting by post as proxy

4.22 Those appointed as a proxy can choose to vote by post.⁴⁸ Electoral Registration Officers may wish to consider sending application forms for this purpose when notifying the proxy of their appointment. The application made by the proxy to vote by post must meet the same prescribed requirements as for any application to vote by post, including the requirement to provide personal identifiers, all of which are outlined in Section 5, 'Postal voting', below. In addition to meeting the prescribed requirements and being satisfied that the elector is or will be on the register of electors, the Electoral Registration Officer must also be sure that there is in force an appointment of

⁴³ Paragraph 6(6), Schedule 4, RPA 2000; Article 11(5), NAW (RoP) Order 2007; Article 11(5), Scottish Parliament Order.

⁴⁴ Regulation 57(2), RPR 2001; Paragraph 8(2), Schedule 1, NAW (RoP) Order 2007; Paragraph 8(2), Schedule 3, Scottish Parliament Order; Regulation 12(2), RP (AV) (Scotland) Regulations.

⁴⁵ Paragraph 6(9), Schedule 4, RPA 2000; Article 11(8), NAW (RoP) Order 2007; Article 11(8), Scottish Parliament Order.

⁴⁶ Paragraph 6(9), Schedule 4, RPA 2000; Regulation 57(3) and Form E, RPR 2001; Paragraph 8(3), Schedule 1 and Form CA, Schedule 10, NAW (RoP) Order 2007; Regulation 12(3) and Schedule, RP (AV) (Scotland) Regulations.

⁴⁷ Regulation 57(4), RPR 2001; Paragraph 8(4), Schedule 3, Scottish Parliament Order; Paragraph 8(4), Schedule 1, NAW (RoP) Order 2007; Regulation 12(4), RP (AV) (Scotland) Regulations.

⁴⁸ Paragraph 7(1) and (3), Schedule 4, RPA 2000; Article 12(1) and (3), NAW (RoP) Order 2007; Article 12(1) and (3), Scottish Parliament Order.

the applicant as the elector's proxy in order to grant the application to vote by post as proxy.⁴⁹

Changing or cancelling proxy arrangements

4.23 An elector can apply to the Electoral Registration Officer at any time to cancel their proxy vote.⁵⁰

4.24 An elector can cancel or change their proxy appointment at any time by giving notice to the Electoral Registration Officer.⁵¹

4.25 A proxy may cancel their postal proxy vote at any time by giving notice to the Electoral Registration Officer.⁵² A postal proxy vote is also cancelled in those situations where either the elector who has appointed the proxy ceases to be registered or the proxy appointment has been cancelled, whether or not that person is later reappointed.⁵³

4.26 An existing postal proxy voter can request at any time for their postal ballot papers to be sent to a different address from that contained in the absent voting record, as long as they provide a reason why their circumstances are such as to require their ballot paper to be sent to that address.⁵⁴

4.27 Where any elector ceases to be registered in respect of the same qualifying address, or becomes registered by way of a declaration instead of as an ordinary elector or vice versa, any absent voting arrangements linked to the registration end.⁵⁵

4.28 A voter who has appointed a proxy can subsequently change to vote by post on submission of an application to the Electoral Registration Officer which meets the prescribed requirements.⁵⁶

⁴⁹ Paragraph 7(5), Schedule 4, RPA 2000; Article 12(5), NAW (RoP) Order 2007; Article 12(4), Scottish Parliament Order.

⁵⁰ Paragraph 3(5)(a), Schedule 4, RPA 2000; Article 8(5)(a), NAW (RoP) Order 2007; Article 9(5)(a), Scottish Parliament Order.

⁵¹ Paragraph 6(10), Schedule 4, RPA 2000; Article 11(9), NAW (RoP) Order 2007; Article 11(9), Scottish Parliament Order.

⁵² Paragraph 7(9)(a), Schedule 4, RPA 2000; Article 12(10)(a), NAW (RoP) Order 2007; Article 12(9)(a), Scottish Parliament Order.

⁵³ Paragraph 7(9)(b) and (c), Schedule 4, RPA 2000; Article 12(10)(c) and (d), NAW (RoP) Order 2007; Article 12(9)(c) and (d), Scottish Parliament Order.

⁵⁴ Paragraph 7(7), Schedule 4, RPA 2000; Regulation 51B, RPR 2001; Article 12(7), NAW (RoP) Order 2007; Paragraph 1(8), Schedule 1, NAW (RoP) Order 2007; Article 12(6), Scottish Parliament Order; Paragraph 2, Schedule 3, Scottish Parliament Order; Regulation 6, RP (AV) (Scotland) Regulations.

⁵⁵ Paragraph 3(5)(b), Schedule 4, RPA 2000; Article 8(5)(c), NAW (RoP) Order 2007; Article 9(5)(c), Scottish Parliament Order.

⁵⁶ Paragraph 3(7), Schedule 4, RPA 2000; Article 8(7), NAW (RoP) Order 2007; Article 9(6), Scottish Parliament Order.

Proxies for medical emergencies



An elector may appoint a proxy for a specific election up to **5pm** on polling day for that election if they became ill or disabled after 5pm on the sixth working day before the day of the poll, i.e. if they could not have applied for an absent vote under the normal procedure.

4.29 The application form must be attested by an appropriate person from the list of persons shown above who may attest proxy applications made on the grounds of disability. The application must include, to the best of the knowledge and belief of the person attesting the form, the date that the person became ill or disabled, which must be after 5pm on the sixth working day before the applicable polling day if the application is to be accepted.⁵⁷

4.30 The application must be made to the Electoral Registration Officer. If the application is made on polling day, or after the list of proxies has been dispatched to the polling station, it will be necessary to find a way to communicate the information to the Presiding Officer at the polling station where the proxy will be voting, as clearly they will not be on the list of proxies originally supplied.

4.31 Local arrangements between the Electoral Registration Officer and the Returning Officer will be required in order to determine how any emergency proxy appointments will be notified to the Presiding Officer.

4.32 It is suggested that the proxy of any voter whose application has been accepted should be given a letter authorising them to act as a proxy, which should include details of the person for whom they are voting. The proxy should be instructed to take that authorisation with them when they go to vote and hand it to the Presiding Officer. The letter should then be retained with the list of proxies as a record that the proxy has been issued with a ballot paper.

4.33 Every effort should be made to contact the appropriate Presiding Officer directly to warn them that an emergency proxy has been appointed, particularly as there is actually no requirement in law that the proxy must provide any documentation in order to be permitted to vote on behalf of the elector who is ill or disabled. Wherever possible, it is recommended that a supplementary list of proxies be issued to the polling station, which should then be added to the list originally supplied.

Enquiries

4.34 The Electoral Registration Officer is obliged to make enquiries of all proxy vote applications granted on the specific grounds of occupation, service, employment or attendance on an educational course within three years of

⁵⁷ Regulations 55 and 56(3A), RPR 2001; Paragraphs 6 and 7(3), Schedule 1, NAW (RoP) Order 2007; Paragraphs 5 and 7(4), Schedule 3, Scottish Parliament Order; Regulations 10 and 11(4), RP (AV) (Scotland) Regulations.

granting of the application, or the last such enquiry.⁵⁸ This should be part of the monthly office procedure following the published monthly update.

4.35 If an elector fails to respond to the enquiry within a period of one month, the Electoral Registration Officer is entitled to regard this as sufficient evidence of a material change of circumstances, and cancel the absent vote.⁵⁹ It is good practice that a letter is sent stating clearly the deadline for replying and the consequences of not replying.

4.36 The Electoral Registration Officer may make enquiries of any person granted a proxy vote on the grounds of blindness or other disability, occupation, service, employment or attendance on an educational course at any time in order to determine if there has been a material change of circumstances.⁶⁰

⁵⁸ Regulation 60(2), RPR 2001; Paragraph 11(2), Schedule 1, NAW (RoP) Order 2007; Regulation 15(2), RP (AV) (Scotland) Regulations. Paragraph 11, Schedule 3 of the Scottish Parliament Order only requires such enquiries to be carried out at such times as the Electoral Registration Officer sees fit.

⁵⁹ Regulation 60(3), RPR 2001; Paragraph 11(3), Schedule 1, NAW (RoP) Order 2007; Paragraph 11(2), Schedule 3, Scottish Parliament Order; Regulation 15(3), RP (AV) (Scotland) Regulations.

⁶⁰ Regulation 60(1), RPR 2001; Paragraph 11(1), Schedule 1, NAW (RoP) Order 2007; Regulation 15(1), RP (AV) (Scotland) Regulations. Paragraph 11, Schedule 3 of the Scottish Parliament Order only specifies enquiries in respect of occupation, service, employment or attendance on an educational course or journeying by sea or air to the allotted polling station.

5 Postal voting

5.1 There are no restrictions on who can apply to vote by post. Any elector can choose to apply to vote by post if they so wish, provided that they are registered to vote or have applied to be so registered.⁶¹ Additionally, any person appointed as a proxy can apply to vote as proxy by post.⁶²

Applying to vote by post

5.2 A postal vote application must be made in writing, but can be in any format: a letter, a fax, an email with a scanned signature or an absent vote application form are acceptable, as long as the personal identifier information is clear and unambiguous and is provided in the format prescribed in the regulations and as explained in Section 1, 'Applications', above.

5.3 The following information must be included in a postal vote application in order for it to be valid.⁶³

- the full name of the elector
- the elector's date of birth
- the elector's signature
- the address where the elector is (or has applied to be) registered to vote
- the address to which the ballot paper should be sent, and if this is a different address from that at which the elector is registered (or has applied to be registered) to vote, a reason for that redirection must be supplied⁶⁴
- whether the application is for a particular election, a particular period or an indefinite period, and if it is for a particular period it should specify that period
- whether it is for Parliamentary elections, local elections, or both

5.4 The application must also be dated by the applicant.

5.5 The Electoral Registration Officer may check the signature and date of birth on an absent vote application form against any other signature or date of birth for that elector that they, the local authority by which they were appointed or the Returning Officer may hold.⁶⁵

⁶¹ Paragraphs 3(1)(a) and 4(1)(a), Schedule 4, RPA 2000; Articles 8(1)(b) and 9(1)(b), NAW (RoP) Order 2007; Articles 9(1)(a) and 10(1)(a), Scottish Parliament Order.

⁶² Paragraph 7, Schedule 4, RPA 2000; Article 12, NAW (RoP) Order 2007; Article 12, Scottish Parliament Order.

⁶³ Regulation 51, RPR 2001; Paragraph 1, Schedule 1, NAW (RoP) Order 2007; Paragraph 1, Schedule 3, Scottish Parliament Order; Regulation 3, RP (AV) (Scotland) Regulations.

⁶⁴ Regulations 51AA, RPR 2001; Paragraph 1(7), Schedule 1, NAW (RoP) Order 2007; Paragraph 2, Schedule 3, Scottish Parliament Order; Regulation 5, RP (AV) (Scotland) Regulations.

⁶⁵ Regulation 51A, RPR 2001; Paragraph 1(6), Schedule 1, NAW (RoP) Order 2007; Paragraph 1A, Schedule 3, Scottish Parliament Order; Regulation 4, RP (AV) (Scotland) Regulations (can only check signature and against any signature previously provided to the Returning Officer or the Electoral Registration Officer).

Advising applicants of the outcome of postal vote applications

5.6 Electoral Registration Officers are required to write to **all** applicants to notify them as to whether their application has been accepted or rejected.⁶⁶ This is a requirement even if the application is received close to the deadline for a particular election and regardless of whether the application is for one election, a particular period or indefinitely. Where the elector has requested to have their postal vote redirected and this has been granted, this must also be stated in the acknowledgement.⁶⁷ It is good practice where possible to acknowledge postal vote redirection requests to both the registered and redirection addresses.

Redirection of postal ballot papers

5.7 On applying for a postal vote, a request can be made for postal ballot papers to be sent to a different address from the qualifying address, as long as they provide a reason why their circumstances are or are likely to be such as to require their ballot paper to be sent to that address.⁶⁸

5.8 The regulations make no provision for an Electoral Registration Officer to reject an application if they are not satisfied with the explanation provided for requesting redirection. This being the case, it is recommended that for the purposes of determining applications the Electoral Registration Officer should accept postal vote applications at face value if an explanation for redirection is given. It should be noted that the regulations provide that the elector must explain why their circumstances are such that they wish an alternative address to be used: they cannot simply say, for example, 'because I prefer it that way'.⁶⁹

5.9 There are many reasons why a person may wish their postal vote to be sent to an alternative address: they may be on holiday, be in hospital, have post sent to their work address, and so on. If no explanation of their circumstances is given, an Electoral Registration Officer may wish to check with the elector and obtain an explanation, or could choose to reject the application on the grounds that it does not meet the prescribed requirements, notifying the elector accordingly.

5.10 Levels of proxy and postal redirections should be monitored and applicants asked for more information if necessary.

⁶⁶ Regulation 57, RPR 2001; Paragraph 8, Schedule 1, NAW (RoP) Order 2007; Paragraph 8, Schedule 3, Scottish Parliament Order; Regulation 12, RP (AV) (Scotland) Regulations.

⁶⁷ Regulation 57(4A), RPR 2001; Paragraph 8(5), Schedule 1, NAW (RoP) Order 2007; Regulation 12(5), RP (AV) (Scotland) Regulations.

⁶⁸ Regulation 51AA, RPR 2001; Paragraph 1(7), Schedule 1, NAW (RoP) Order 2007; Paragraph 2, Schedule 3, Scottish Parliament Order; Regulation 5, RP (AV) (Scotland) Regulations.

⁶⁹ Regulation 51AA(2) and 51(1B)(1), RPR 2001; Paragraph 1(7) and (8), Schedule 1, NAW (RoP) Order 2007; Paragraph 2(3), Schedule 3, Scottish Parliament Order; Regulations 5(2) and 6(1), RP (AV) (Scotland) Regulations.



It is important for Electoral Registration Officers to be vigilant as regards emerging patterns of applications, particularly where there is a request for redirection to an address other than the address at which the elector is registered. If the reason for any particular application does cause suspicion because of its nature, or because of other circumstances linking the application to others in the area or to a particular address, this should be reported to the police, even though the Electoral Registration Officer may have no grounds on which to reject such applications. In particular, it is recommended that the Electoral Registration Officer agree with their police SPOC a threshold number of applications being directed to any one address, and consider notifying the police if this threshold is reached.

Name changes

5.11 When an elector with a postal vote changes their name, a new postal vote application should be sent to them in order to collect their new signature, which may help to prevent the possible rejection of their ballot paper. The signature provided on the new application would then replace their previous entry on the postal vote identifiers record.

Changes or cancellation of postal voting arrangements

5.12 An elector can apply to the Electoral Registration Officer at any time to cancel their postal vote.⁷⁰

5.13 Where any elector ceases to be registered in respect of the same qualifying address, or becomes registered by way of a declaration instead of as an ordinary elector or vice versa, any absent voting arrangements linked to the registration end.⁷¹

5.14 An existing postal voter can request at any time for their postal ballot papers to be sent to a different address from that contained in the absent voting record, as long as they provide a reason why their circumstances are such as to require their ballot paper to be sent to that address.⁷²

5.15 A postal voter can subsequently change to vote by proxy on submission of an application to the Electoral Registration Officer which meets the prescribed requirements.⁷³

⁷⁰ Paragraph 3(5)(a), Schedule 4, RPA 2000; Article 8(5)(a), NAW (RoP) Order 2007; Article 9(5)(a), Scottish Parliament Order.

⁷¹ Paragraph 3(5)(b), Schedule 4, RPA 2000; Article 8(5)(c), NAW (RoP) Order 2007; Article 9(5)(c), Scottish Parliament Order.

⁷² Regulation 51B, RPR 2001; Paragraph 1(8), Schedule 1, NAW (RoP) Order 2007; Paragraph 2, Schedule 3, Scottish Parliament Order; Regulation 6, RP (AV) (Scotland) Regulations.

⁷³ Paragraph 3(6), Schedule 4, RPA 2000; Article 8(6), NAW (RoP) Order 2007; Article 9(6), Scottish Parliament Order.

6 Waivers

6.1 Where an applicant is unable to provide a signature, they may request that the Electoral Registration Officer waive the requirement for a signature to be provided. Any such request must include the reason(s) for the request along with the name and address of any person who has assisted the applicant with the completion of the application.

6.2 The Electoral Registration Officer should satisfy themselves that 'the applicant is unable to provide a signature or a consistent signature due to any disability or inability to read or write'.⁷⁴ The level of proof or evidence that is needed in order to be satisfied must be a local decision, but the Commission advises that Electoral Registration Officers should be alert to the potential for the waiver to be used as an attempt to avoid the security measures. The policy for responding to requests for waivers should be sufficiently robust to ensure the integrity of the voting system while still allowing such electors access to the absent voting system.

6.3 The regulations provide that the Electoral Registration Officer **may** satisfy themselves that the applicant is unable to provide a signature or a consistent signature due to a disability or the inability to read or write.⁷⁵ Therefore, this provides a power and not a duty. However, to ensure that the new measures work to their fullest extent, the Commission's view is that the Electoral Registration Officer should take active steps to be so satisfied.

6.4 Some Electoral Registration Officers may take the view that they only need to exercise this power in the event that they have concerns or doubts about that particular application or because there has been a pattern of such applications which arouses suspicion. The Commission advises, however, that this power should be exercised more consistently and routinely and that the same steps be applied to each application for the granting of a waiver.

6.5 The legislation does not specify the steps an Electoral Registration Officer may wish to take in order to be so satisfied. It does not, for example, introduce an attestation procedure as exists for some types of proxy voting.

6.6 The legislation does, however, require the name and address of the person who assists the elector who is requesting the waiver.⁷⁶ In the Commission's view this provides an opportunity for a straightforward process by which the Electoral Registration Officer can satisfy themselves as per the regulations. For example, the Electoral Registration Officer could ask the person assisting the applicant to confirm that to the best of their knowledge and belief the elector in question is unable to provide a signature or a consistent signature due to any disability or inability to read or write. The

⁷⁴ Paragraphs 3(8), 4(5) and 7(11), Schedule 4, RPA 2000; Articles 8(8), 9(5) and 12(12), NAW (RoP) Order 2007; Articles 9(7), 10(7) and 12(7), Scottish Parliament Order.

⁷⁵ Regulation 51A, RPR 2001; Paragraph 1(6), Schedule 1, NAW (RoP) Order 2007; Paragraph 1A, Schedule 3, Scottish Parliament Order.

⁷⁶ Regulation 51(2)(f), RPR 2001; Paragraph 1(1)(f), Schedule 1, NAW (RoP) Order 2007; Paragraph 1(1)(f), Schedule 3, Scottish Parliament Order.

Electoral Registration Officer could provide this in the form of a simple declaration that could be signed by the person assisting the elector.

6.7 The Electoral Registration Officer may also wish to consider drawing attention on any such declaration to the offence of providing false information in connection with an application for an absent vote.⁷⁷ This is a summary offence with a maximum penalty of six months' imprisonment and/or a £5,000 fine.

Such a declaration could take the following form:

Example box 1: Sample declaration

The elector named above is unable to provide a consistent signature owing to:

- a disability
- an inability to read or write

Name of person assisting the elector.....
Address of person assisting the elector.....
Signature of person assisting the elector.....
Date of declaration.....

Note: It is an offence to provide false information to an Electoral Registration Officer in connection with an application for a postal or proxy vote.

6.8 The Commission believes that this would be a reasonable measure that the Electoral Registration Officer could use in order to be satisfied under Regulation 51A(b).

6.9 Any Electoral Registration Officers considering preparing forms and declarations to be completed by the elector themselves should bear in mind that if an elector is unable to provide a signature or a consistent signature it may be the case that the elector would be unable to complete any additional forms and that to issue such forms may cause distress or confusion. Electoral Registration Officers have no power to investigate or make medical judgements on the nature or extent of an elector's disability.

6.10 Some Electoral Registration Officers may be considering using an attestation system to provide assurance as to the veracity of the request for a waiver. We recognise that such an attestation is specifically provided for in the case of a permanent proxy as the means by which the Electoral Registration Officer should satisfy themselves, but no such provision has been included for an absent voter identifier waiver, and so the Commission does not recommend the use of such an attestation.

6.11 Electoral Registration Officers have no ability to 'investigate' waiver applications. It is the Commission's view that the Electoral Registration

⁷⁷ Sections 13D and 62B, RPA 1983; Article 14, NAW (RoP) Order 2007; Article 28, Scottish Parliament Order.

Officer's power in determining a waiver application is limited to the taking of reasonable steps to satisfy themselves that the applicant is unable to provide a signature or a consistent signature due to their disability or an inability to read or write, as outlined above.

6.12 It is important for Electoral Registration Officers to remember that the decision to grant a waiver is theirs, and if they are not satisfied as to the authenticity of the request following any appropriate enquiry, it should be refused. If a waiver request is refused, then the absent vote application must be rejected and the applicant notified in writing of the reasons for the decision. If, however, the Electoral Registration Officer is satisfied as to the waiver and the accompanying absent vote application, then confirmation of its acceptance must be given in writing to the elector.

6.13 The Electoral Registration Officer should remain vigilant as to any trends which may be revealed through the receipt of waiver requests. Any trends such as large numbers of applications assisted or signed by one person with no plausible explanation or large numbers of applications from one street or area with no plausible explanation (such as the type of residence in that location) should raise suspicion. The Commission is happy to discuss any concerns that Electoral Registration Officers have on this point.

7 Marking the polling station registers

7.1 After all allowable applications have been processed and the sixth day before the poll has passed, the Electoral Registration Officer should prepare the electoral registers which are to be used in the polling stations at that election.

7.2 Electors who have been allowed to vote by post and electors whose proxies have been allowed to vote by post must have the letter 'A' marked alongside their names in the register to be used in the polling station.

7.3 The purpose of this requirement is to prevent the issue of a ballot paper to an elector in the polling station when they have already been issued with a ballot paper in the post. No matter what protestations electors might make in the polling station regarding non-delivery etc., a second paper must not be issued.⁷⁸ There is, however, the ability to issue such electors with tendered ballot papers in certain prescribed circumstances.

7.4 Most electoral software packages have the facility to print registers especially for use in the polling station at a particular election. These registers are normally printed with the 'A' markers emboldened in order to draw attention to them.

7.5 No marks need to be inserted in the polling station registers in respect of proxies. A separate list of proxies must be prepared, containing those electors who have appointed a proxy and the names and addresses of those appointed as their proxies.⁷⁹

⁷⁸ Paragraphs 2(2) and 7(2), Schedule 4, RPA 2000; Articles 7(2) and 12(2), NAW (RoP) Order 2007; Articles 8(2) and 12(2), Scottish Parliament Order.

⁷⁹ Paragraph 5(3), Schedule 4, RPA 2000; Article 10(3), NAW (RoP) Order 2007; Article 10(5)(b), Scottish Parliament Order.

8 Absent voting records and lists

Duty to maintain absent voting records and lists

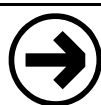
8.1 The Electoral Registration Officer is required to keep records of those applications for absent votes that have been granted. Three separate records are required, as follows:⁸⁰

Postal voters	The record must indicate the elector's full name and elector number, and the address to which the ballot paper is to be sent.
Proxy voters	The record must indicate the elector's full name and elector number, and the full name and address of the proxy.
Postal proxy voters	The record must indicate the elector's full name and elector number, and the full name of the proxy and the address to which the ballot paper is to be sent.

8.2 The Electoral Registration Officer is also required to keep a list of all personal identifiers, containing the name, signature and date of birth of each absent voter. The list of personal identifier information should not be included in the copies of lists and records that may be supplied to certain persons or in any records or lists open to public inspection.

8.3 The Electoral Registration Officer should ensure that the records and lists are accurate, and should take steps to ensure that electors who are reported as having moved or died are removed from the absent voter records and lists after proper enquiries have been made. After publication of the revised register by 1 December each year, Electoral Registration Officers may wish to undertake a review of their absent voting lists, verifying names and addresses against the revised register.

Supply and inspection of absent voting records and lists



Further information regarding the supply and inspection of absent voting records and lists can be found in Part H, 'Access and supply', Section 6, 'Absent voting records and lists'.

⁸⁰ Paragraphs 5 and 7(8), Schedule 4, RPA 2000; Articles 10 and 12(8), NAW (RoP) Order 2007; Articles 10(5) and 12(7), Scottish Parliament Order.

9 Integrity issues

9.1 Electoral Registration Officers and Returning Officers are uniquely placed to identify incidents and patterns of activity that might indicate electoral malpractice.

9.2 The judgment in two Birmingham local election petition cases in 2004 makes it clear that it is not the role of the Returning Officer to investigate possible fraud:

‘The Returning Officer has no duty to investigate electoral offences and no resources to do so either. More to the point... the Returning Officer has no power to investigate.’⁸¹

9.3 This is reaffirmed at Paragraphs 142 and 143 of the judgment, the former of which also covers some of the functions of the Electoral Registration Officer. It is important to make a distinction between the powers of the Electoral Registration Officer to ‘investigate’ if an application is genuine and more general investigation into electoral offences, which could be taken to include formally interviewing people and taking statements. Such formal investigations are a matter for the police.

9.4 This being the case, if any Electoral Registration Officer or Returning Officer has concerns about fraudulent applications, has suspicions of fraudulent activity or receives any allegations about possible absent voting fraud, these should be reported to the police for further investigation. Early liaison with the police SPOC should cover the actions to be taken should any suspicions arise.

Postal voting, houses in multiple occupation and other multi-occupation establishments

9.5 There is a perception that electoral fraud can be more easily perpetrated in houses in multiple occupation and other multi-electoral establishments. One possible example of such a perception would be any fear expressed that residents in nursing homes, care homes and other sheltered accommodation who rely on carers for assistance might be unduly influenced or have their vote stolen.

9.6 Some Electoral Registration Officers have recognised that visiting domiciliary and care staff may be asked to assist with completing applications for absent votes, and that each will have access to numerous electors. There may therefore be some benefit, if only for the avoidance of doubt, in offering advice to such care staff as to the response they should give if approached by such electors. In particular, it should be made clear that a power of attorney does not allow someone to vote on behalf of another person.

⁸¹ Paragraph 139 of the full judgment, *In the matter of a local government election for the Bordesley Green Ward of the Birmingham City Council held on 10 June 2004 and in the matter of a local government election for the Aston Ward of the Birmingham City Council held on 10 June 2004*. See www.hmccourts-service.gov.uk/cms/2384.htm

10 Resources

Instructions to temporary staff involved in the receipt and checking of absent vote application forms

- 1** In order to meet the statutory deadlines and ensure that all postal ballot papers are sent to the correct address, it is vital that all application forms are checked in detail and that any questions are referred to your supervisor. Please do not assume anything.
- 2** On receipt, all application forms should be date-stamped and have the time of receipt added if this is critical. The deadlines for receipt are 5pm, 11 working days before the date of the poll for postal vote applications and 5pm, six working days before the poll for new applications to vote by proxy. If application forms are delivered by hand, the applicant could be asked to remain while the application form is checked.
- 3** Check that the elector is included in the register at the address shown on the form or that they have applied to register to vote at that address and the application has not been suspended or rejected. If shown, the elector letters and numbers can be written on the form straight away. If not shown on the register, it is possible that the 'ballot paper address' shown in a different part of the form is actually the elector's qualifying address. Check, and if this is the case, accept the form. It is good practice to do so as to reject it simply because the address is in the wrong place on the form would be an unnecessarily rigid application of the legislation.
- 4** If the elector's surname differs from that shown in the register but the forenames are the same, it is most likely that the surname has changed since the register was revised (for example by marriage). It is good practice to make a telephone call to the applicant to verify the change of name and to note the result of the call on the application form. If you are unable to contact the elector by telephone, make contact by letter. An application to register under their new name should also be sent so that the register can be altered.
- 5** If the elector's forenames are shown only by initials and not in full, this should be checked with the elector by telephone. Again, the result of the call should be noted on the application form, and if you are unable to contact the elector by telephone, make contact by letter.
- 6** If the application is for a proxy vote, check for the reason and attestation if required. If it is either not attested where attestation is required or not properly attested, it must be rejected. Inform the elector by letter and also by telephone if possible in order to arrange for a new application to be sent.
- 7** Check the 'ballot paper address'. A reason should be supplied if an elector wants their ballot paper sent to a different address from their registered address. If no reason is supplied, the application must be rejected. Inform the elector by letter. If you are not sure whether the reason is valid, ask your supervisor.

8 Although ballot papers can be sent abroad, the elector often has little or no understanding of the timescales around the printing and issue of postal votes. Good practice would suggest a telephone call to confirm their understanding that there cannot be a guarantee that their ballot papers will reach a foreign destination in time to be completed and returned by polling day and to inform the elector of the alternative process of voting by proxy.

9 If no 'ballot paper address' is shown, it is reasonable to assume that the elector wishes the ballot paper to be sent to the qualifying address and to allow the application on that basis.

10 Check that the details of the proxy (if applicable) are properly and clearly completed and that either the proxy has indicated assent to being appointed as proxy by signing and dating the appropriate boxes or the elector has stated that the proxy is willing and able to vote on their behalf.

11 Occasionally, application forms are received showing both a ballot paper address and the name and address of a proxy, including the proxy's assent. This usually results from the elector failing to understand the difference between a postal and a proxy vote, and simply filling in all the boxes. Very occasionally, this 'double entry' can be the elector's way of telling the Electoral Registration Officer that the proxy wishes to vote by post. Forms completed in this way must always be referred to your supervisor, who will make contact with the elector by telephone or letter and take the appropriate action depending upon the information received.

12 Forms that are not signed, do not provide the elector's date of birth and/or have not been dated must be returned to the elector. Inform the elector by letter. However, if the form is received close to the deadline it may be helpful to contact the elector in some other way, such as by telephone or email if they have provided such contact details, in order to try to get a form correctly completed and returned before the deadline. Any application that is unsigned but is accompanied by a statement giving reasons as to why the elector could not sign it and also providing the name and address of the person who assisted the elector in completing the application should be passed to your supervisor.

13 Check that the elector has indicated how long they wish their absent vote to last and the type of elections they wish their absent vote to be for; if not, this should be checked with the elector by telephone. Again, the result of the call should be noted on the application form. If you are unable to contact the elector by telephone, contact them by letter.

14 Once the processing of all application forms has been completed, divide the forms into four piles:

- (a) those forms that have queries not capable of resolution by telephone
- (b) those forms that are applications for a postal vote for an indefinite/definite period

- (c) those forms that are applications for a proxy vote for an indefinite/definite period
 - (d) those forms that are either postal or proxy vote applications for a particular election
- 15** Taking each pile in turn, enter the details into the computer system and generate the appropriate letter as necessary.
- 16** The letters relating to applications in category (a) above must be processed first and the letters posted by first class post that day where possible.
- 17** Where a proxy vote application has been allowed, you must inform the elector by letter and send a separate notice to the proxy. Where a postal vote application has been allowed or rejected, you must inform the elector by letter.
- 18** File the forms in category (a) on the queries file in polling district/alphabetical surname order.
- 19** File the forms in categories (b) and (c) in the appropriate polling district folder in order of elector number.
- 20** File the forms in category (d) in the temporary file in polling district/alphabetical surname order.
- 21** Forms for a particular election received after the closing date/time must be refused. Inform the elector by letter.
- 22** Forms for an indefinite/definite period received after the deadline for a particular election can be accepted for future elections. Inform the elector by letter.
- 23** The aim is to complete the processing of all forms within the working day on which they are received, and your supervisor will give instructions for the allocation of work among staff in order to achieve this.