

GATESHEAD COUNCIL (ADVANCE VOTING AND SIGNING FOR BALLOT PAPERS) PILOT ORDER 2007

Made - - - - 26 March 2007

Coming into force in accordance with Article 1

This Order is made in exercise of the powers conferred by section 10(1) of the Representation of the People Act 2000(a).

Gateshead Council submitted proposals for a scheme under section 10 of the 2000 Act to apply to any election that will take place in relation to any vacancy in the membership of the Council, and any election to a Parish Council with which that election will be combined, arising on the ordinary date for elections in 2007.

The Secretary of State modified the Council's proposals and consulted the Council on the modifications, as he is required to under section 10 of the 2000 Act. The Secretary of State also consulted the Electoral Commission on these proposals, as he is required to under section 10(1A) of the 2000 Act.

The Secretary of State makes the following Order:

Citation and commencement

1. This Order may be cited as the Gateshead Council (Advance Voting and Signing for Ballot Papers) Pilot Order 2007 and shall come into force forthwith.

Interpretation and application

2. –(1) In this Order, in any modification to an enactment made by this Order, or in any other enactment which applies in relation to the election, unless the contrary intention appears-

“1983 Act” means the Representation of the People Act 1983(b);

“2000 Act” means the Representation of the People Act 2000(c);

“2006 Principal Areas Rules” means the Local Elections (Principal Areas) (England and Wales) Rules 2006(d);

(a) 2000 c.2. Section 10 was amended by the Political Parties, Elections and Referendums Act 2000 (c.41), section 158(1) and Schedule 21, paragraph 16.

(b) 1983 c.2.

(c) 2000 c.2.

(d) S.I.2006/3304.

"2001 Regulations" means the Representation of the People (England and Wales) Regulations 2001(a);

"2006 Parishes Rules" means the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(b);

"the Combination of Polls Regulations" means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(c);

"The Appendix", unless otherwise indicated, means-

-in Schedule 1 to this Order, the Appendix of Forms in Part 7 of Schedule 3 to the 2006 Principal Areas Rules;

-in Schedule 2 to this Order, the Appendix of Forms in Part 7 of Schedule 3 to the 2006 Parishes Rules;

"advance voting day" means any of Monday 23, Tuesday 24, Wednesday 25, Thursday 26, Friday 27 Saturday 28 and Monday 30 April and Tuesday 1 and Wednesday 2 May 2007;

"advance voting station" means a polling station where advance voting is held;

"advance voting" means voting on an advance voting day during the hours specified in rule 1 in Schedules 1 and 2 to this Order;

"the election" means any local government election that takes place arising from a vacancy in the membership of the Gateshead Council, or any election to a Parish or Community Council or which is combined with that election, arising on the ordinary day for elections in 2007;

"close of the poll" means 10.00 p.m. on 3 May 2007;

"conclusion of the poll on an advance voting day" means the end of the polling period specified in rule 1 in Schedules 1 and 2 to this Order on an advance voting day;

"day or date of the poll" means 3 May 2007;

and-

(a) references to a polling station shall include a reference to an advance voting station, save where specific provision is made in relation to an advance voting station (whether differing from or the same as the corresponding provision made in relation to a polling station); and

(b) save where the context otherwise requires, references to a poll or polling shall include a poll or polling at an advance voting station on an advance voting day.

(a) S.I. 2001/341; amended by S.I. 2001/1700, 2002/1871, 2004/226, 2006/340, 2006/752 and 2006/2910.

(b) S.I. 2006/3305.

(c) S.I. 2004/294 as amended by S.I.2006/3278.

(2) For the purposes of this Order sections 6A and 6B of the Political Parties, Elections and Referendums Act 2000(a) shall apply to representatives of the Department for Constitutional Affairs as they apply to representatives of the Electoral Commission and references in any other enactment, including this Order, to representatives of the Commission, or any person, attending or entitled to attend, or being admitted to or being present at, a polling station by virtue of sections 6A to 6D of that Act shall be construed accordingly.

Conduct of elections

3. –(1) In relation to the election, the enactments governing the conduct of elections specified in the Schedules to this Order, have effect subject to the modifications made by this Order.

(2) For the provisions of rules 1 to 55 in Schedule 3 to the 2006 Principal Areas Rules substitute the provisions in Schedule 1 to this Order.

(3) For the provisions of rules 1 to 55 in Schedule 3 to the 2006 Parishes Rules substitute the provisions in Schedule 2 to this Order.

(4) For the forms of corresponding number lists in the Appendix of Forms in Part 7 of Schedule 3 to the 2006 Principal Areas Rules and in the Appendix of Forms in Part 7 of Schedule 3 to the 2006 Parishes Rules substitute the forms at the end of Schedules 1 and 2 respectively.

(5) The provisions set out in column (1) of the Table in Schedule 3 to this Order have effect subject to the modifications specified in column (2) of that Table.

Advance voting

4. Notwithstanding anything in any enactment, a voter at the election may vote at an advance voting station on an advance voting day instead of at a polling station on the day of the poll.

Signed by authority of the Secretary of State

26 March 2007

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

(a) 2000 c.41. Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act b2006 (c.22).

THE PRINCIPAL AREAS – ADVANCE VOTING AND SIGNING FOR BALLOT PAPERS PILOT – RULES

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PART 1

Provisions as to Time

Timetable

1. The proceedings at the election shall be conducted in accordance with the following Table.

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election
Publication of statement of persons nominated	Not later than noon on the seventeenth day before the day of election
Delivery of notices of withdrawals of candidature	Not later than noon on the sixteenth day before the day of election
Notice of poll	Not later than the sixth day before the earliest advance voting day
Polling and advance voting	At advance voting stations on an advance voting day, between the hours of- -9 a.m. and 5 p.m. on Monday 23, Tuesday 24, Wednesday 25, Thursday 26, Friday 27, and Monday 30 April and Tuesday 1 May 2007 -9 a.m. and noon on Saturday 28 April and Wednesday 2 May 2007 and between the hours of 7 a.m. and 10 p.m. at a polling station on the day of the poll.

Computation of time

2. –(1) In computing any period of time for the purposes of the Timetable-

- (a) a Saturday or Sunday ,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and

Financial Dealings Act 1971(a) in England and Wales.

PART 2

Stages Common to Contested and Uncontested Elections

Notice of election

3. –(1) The returning officer must publish notice of the election stating-

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the dates of the poll and of advance voting days in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must state the date by which-

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

Nomination of candidates

4. –(1) Each candidate must be nominated by a separate nomination paper, in the form in the Appendix, delivered at the place fixed for the purpose by the returning officer, which shall be at the offices of the council of the district or London borough in which the electoral area wholly or mainly lies.

(2) The nomination paper must state the candidate's-

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname must be placed first in the list of names.

(3) If a candidate commonly uses-

- (a) a surname which is different from any other surname he has, or

(a) 1971 c.80

(b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) The description (if any) can only be-

(a) one authorised as mentioned in rule 5(1) or (3), or

(b) the word "Independent".

Nomination papers: name of registered political party

5. –(1) A nomination paper may not include the description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the party is a qualifying party in relation to the electoral area and the description is authorised by a certificate-

(a) issued by or on behalf of the registered nominating officer of the party, and

(b) received by the returning officer before the last time for the delivery of nomination papers set out in the table in rule 1.

(2) In paragraph (1) an authorised description may be either-

(a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000(a), or

(b) a description of the party registered under section 28A of that Act.

(3) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate-

(a) issued by or on behalf of the registered nominating officer of each of the parties, and

(b) received by the returning officer before the last time for the delivery of nomination papers set out in the table in rule 1.

(4) For the purposes of paragraph (3), a description is a registered description if it is a description registered for use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000.

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised

(a) 2000 c.41. Section 28 was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006(c.22). Section 28A was inserted by section by section 49(1) of the Electoral Administration Act 2006 (c.22).. Section 26B was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22),

to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's nominating officer.

(6) For the purposes of the application of this rule in relation to an election-

(a) "registered political party" means a party which was registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day ("the relevant day") which is two days before the last day for delivery of nomination papers at that election;

(b) a registered political party is a qualifying party in relation to an electoral area if the electoral area is in England or Wales and the party was on the relevant day registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act.

(7) For the purposes of paragraph (6)(a), any day falling within rule 2(1) must be disregarded.

Subscription of nomination paper

6. –(1) The nomination paper must be subscribed by two electors as proposer and seconder, and by eight other electors as assenting to the nomination.

(2) Where a nomination paper has the signature of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category must be taken into account to the exclusion of any others in that category.

(3) The nomination paper must give the electoral number of each person subscribing it.

(4) The returning officer-

(a) must supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

(b) must at any elector's request prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the returning officer.

(5) A person must not subscribe more nomination papers than there are vacancies to be filled in the electoral area; nor subscribe any nomination paper in respect of an election in any other electoral area of the same local government area whilst the election in the first-mentioned area is taking place:

Provided that a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.

(6) If a person subscribes any nomination paper in contravention of paragraph (5) above, his signature shall be inoperative on all but those papers (up to the permitted number) which are first delivered.

(7) In this rule "elector"-

(a) means a person who is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of the election; and

(b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

(8) But in this rule, "elector" does not include a person who has an anonymous entry in the register.

Consent to nomination

7. A person shall not be validly nominated unless his consent to nomination-

(a) is given in writing on or within one month before the last day for the delivery of nomination papers,

(b) is in the form in the Appendix, or a form to the like effect,

(c) is attested by one witness, and

(d) is delivered at the place and within the time for the delivery of nomination papers.

Decisions as to the validity of nomination papers

8. –(1) Where a nomination paper and a candidate's consent to it are delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until-

(a) the returning officer decides that the nomination paper is invalid; or

(b) proof is given to the returning officer's satisfaction of the candidate's death; or

(c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds-

(a) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and

(b) that the paper is not subscribed as so required.

(3) Subject to paragraph (4), the returning officer must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.

(4) If in the returning officer's opinion a nomination paper breaks rule 5(1) or (3), he must give a decision to that effect-

(a) as soon as practicable after the delivery of the nomination paper, and

(b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the table in rule 1.

(5) Where the returning officer decides that a nomination paper is invalid, he must endorse

and sign on the paper the fact and the reasons for his decision.

(6) The returning officer must send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceedings whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

9. –(1) The returning officer must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the returning officer thinks-

(a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or

(b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(7) In the case of a person nominated by more than one nomination paper, the returning officer must take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

Correction of minor errors

10. –(1) A returning officer may, if he thinks fit, at any time before the publication under rule 9 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include-

(a) errors as to a person's electoral number;

(b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by a returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

(4) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Inspection of nomination papers and consents to nomination

11. During ordinary office hours on any day, other than a day specified in rule 2(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Nomination in more than one electoral area

12. A candidate who is validly nominated for more than one electoral area of the same local government area, must withdraw from his candidature in all those electoral areas except one, and if he does not so withdraw, he shall be deemed to have withdrawn from his candidature in all those electoral areas.

Withdrawal of candidates

13. –(1) A candidate may withdraw his candidature by notice of withdrawal-

(a) signed by him and attested by one witness, and

(b) delivered to the returning officer at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if-

(a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in the declaration to be, outside the United Kingdom; or

(b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

14. –(1) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules exceeds the number of councillors to be elected, a poll must be taken in accordance with Part 3 of these Rules.

(2) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules does not exceed the number of councillors to be elected,

such person or persons must be declared to be elected in accordance with Part 4 of these Rules.

PART 3

Contested Elections

General Provisions

Poll to be taken by ballot

15. The votes at the poll must be given by ballot; the result must be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, must be declared to have been elected.

The ballot papers

16. –(1) The ballot of every voter must consist of a ballot paper, and the persons remaining validly nominated for the electoral area after any withdrawals under these Rules, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper must be in the form in the Appendix, and must be printed in accordance with the directions in that Appendix, and-

(a) must contain the names and other particulars of the candidates as shown in the statement of persons nominated;

(b) must be capable of being folded up; and

(c) must have a number and other unique identifying mark printed on the back.

(3) If a candidate who is the subject of a party's authorisation under rule 5(1) so requests, the ballot paper must contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The candidate's request under paragraph (3) must-

(a) be made in writing to the returning officer, and

(b) be received by him before the last time for the delivery of nomination papers set out in the table in rule 1.

(5) The order of the names in the ballot paper must be the same as in the statement of persons nominated.

The corresponding number list

17. –(1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 22(1) or provided by him in pursuance of rule 26(1).

(2) The list must be in the appropriate form in the Appendix or a form to the like effect.

The official mark

18. –(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at elections for the same county, county borough, district or London borough, as the case may be.

(3) The returning officer may use a different official mark for different purposes at the same election but must use the same official mark or marks for ballot papers issued on advance voting days as on the day of the poll.

Prohibition of disclosure of vote

19. No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

20. –(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes-

(a) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school; or

(b) a room the expense of maintaining which is payable out of any rate.

(2) The returning officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

Action to be Taken Before the Poll

Notice of poll

21. –(1) The returning officer must publish notice of the poll stating-

(a) the day and hours fixed for the poll;

(b) the dates and times of the polling at each advance voting station;

(c) the number of councillors to be elected;

(d) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated); and

(e) the names of all persons signing a candidate's nomination paper.

(2) Where a candidate is nominated by more than one nomination paper, the nomination paper referred to in paragraph (1)(e) must be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken.

(3) The returning officer must, not later than the time of the publication of the notice of the poll, also give public notice of-

(a) the situation of each polling station and advance voting station; and

(b) the description of voters entitled to vote there,

and he must as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(4) The notice published under paragraph (3) must-

(a) state that the poll at the principal area election is to be taken together with the poll at a relevant election or referendum;

(b) specify the parliamentary constituency^(a), local counting area, Assembly constituency, voting area or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election is held; and

(c) where any of the polls are to be taken together in part of the local government area only, specify that part.

Postal ballot papers

22. –(1) The returning officer must, in accordance with regulations made under the 1983 Act^(b), issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to the like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) The returning officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain-

(a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;

(b) a translation into Braille of such directions or guidance;

(a) For the meaning of "parliamentary constituency", see section 1 of the Parliamentary Constituencies Act 1986 (c.56).
(b) See the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341 as amended by S.I. 2002/1871, 2006/752 and 2006/2910).

(c) graphical representations of such directions or guidance;

(d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the returning officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

Provision of polling stations and advance voting stations

23. –(1) The returning officer must provide a sufficient number of polling stations on the day of the polling and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

(2) The returning officer must also provide advance voting stations for polling on advance voting days.

(3) The returning officer must open each advance voting station for polling during such hours at that station as are specified in rule 1.

(4) The returning officer may allot any elector to an advance voting station and paragraph (6) shall not apply to any advance voting station.

(5) One or more polling stations and advance voting stations may be provided in the same room.

(6) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral area must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral area.

(7) The returning officer must provide each polling station or advance voting station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

Appointment of presiding officers and polling clerks

24. –(1) The returning officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he must not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

25. -(1) The returning officer must as soon as practicable after the publication of the notice of the election send to electors and their proxies an official poll card.

(2) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card must be in the appropriate form in the Appendix, or a form to the like effect, and must set out-

(a) the name of the council and of the electoral division or ward to which councillors are to be elected;

(b) the elector's name, qualifying address and number on the register;

(c) the date and hours of the poll and the situation of the elector's polling station;

(d) such other information as the returning officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different electors or descriptions of elector.

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the polling card must contain such matter as is specified in the appropriate form in the Appendix.

(5) The returning officer must also take such steps as he may consider expedient to provide the elector and their proxies with information concerning the situation of any advance voting station at which they may vote and the date and hours of advance voting at such advance voting station.

(6) Paragraph (7) of rule 6 shall apply for the interpretation of this rule.

Equipment of polling stations and advance voting stations

26. -(1) The returning officer must provide each presiding officer with such number of ballot papers as in the returning officer's opinion may be necessary.

(2) The same ballot box may be used for the poll at the parish or community election and the poll at every relevant election or referendum, if the returning officer thinks fit.

(3) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(4) The returning officer must provide each polling station and advance voting station with-

(a) materials to enable voters to mark the ballot papers;

(b) copies of the register of electors for the electoral area or such part of it as contains the names of the electors allotted to the station;

(c) the parts of any special lists prepared for the election corresponding to the register of electors for the electoral area or the part of it provided under sub-paragraph (b);

(d) a list consisting of that part of the list prepared under rule 17 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(5) The reference in paragraph (4)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act(a) in respect of alterations to the register.

(6) The copies of the relevant part of the register of electors or special lists which are provided to each polling station under paragraph (4)(b) or (c) shall be those that include any marks on the register or lists to show that a ballot paper has been issued to any elector at the advance voting station on a previous advance voting day.

(7) The returning officer must also provide each polling station and advance voting station with-

(a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters who are partially sighted; and

(b) a device of such description as is set out in paragraph (11) for enabling voters who are blind or partially sighted to vote without any need of assistance from the presiding officer or any companion (within the meaning of rule 37(1)).

(8) A notice in the form in the Appendix, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station

(9) The returning officer may also provide copies of the notice mentioned in paragraph (8) in Braille or translated into languages other than English as he considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(10) In every compartment of every polling station and advance voting station there must be exhibited the notice-

“[Vote for no more than. . . candidates.][Vote for ONE candidate only]. Put no other mark on the ballot paper, or your vote may not be counted.”.

(11) The device referred to in paragraph (7)(b) must-

(a) allow a ballot paper to be inserted into and removed from, or attached to or detached from, the device easily and without damage to the paper;

(b) hold the ballot paper firmly in place during use; and

(c) provide suitable means for the voter to-

(i) identify the spaces on the ballot paper on which he may mark his vote;

(a) Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

- (ii) identify the candidate to whom each such space refers; and
- (iii) mark his vote on the space he has chosen.

Appointment of polling and counting agents

27. –(1) Subject to paragraphs (3) and (4), each candidate may, before the commencement of the poll, appoint-

- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
- (b) counting agents to attend at the counting of votes.

(2) The same person may be appointed as a polling agent or a counting agent by more than one candidate.

(3) Not more than four polling agents, or such greater number as the returning officer may by notice allow, shall be permitted to attend at any particular polling station and if the number of such agents appointed to attend at a particular polling station exceeds that number, the returning officer must determine which agents are permitted to attend by lot and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(4) The returning officer may limit the number of counting agents, so however that-

- (a) the number must be the same in the case of each candidate; and
- (b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

For the purposes of the calculations required by this paragraph, a counting agent who has been appointed for more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(5) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the candidate to the returning officer and must be so given not later than the fifth day (disregarding any day specified in rule 2(1)) before-

- (a) in the case of a polling agent, the first advance voting day; and
- (b) in the case of a counting agent, the day of the poll.

(6) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and must forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(7) In the following provisions of these Rules references to polling agents and counting agents shall be taken as references to agents-

- (a) whose appointments have been duly made and notified; and

(b) where the number of agents is restricted, who are within the permitted numbers.

(8) Any notice required to be given to a counting agent by the returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

(9) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(10) A candidate's election agent may do or assist in doing any thing which the candidate's polling or counting agent is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his polling agent or counting agents.

(11) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

28. The returning officer must make such arrangements as he thinks fit to ensure that-

(a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsection (1), (3) and (6) of section 66 of the 1983 Act^(a); and

(b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.

Return of postal ballot papers

29. -(1) Where-

(a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or

(b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy voters list,

the returning officer must mark the list in the manner prescribed by regulations made under the 1983 Act.

(2) Rule 46(3) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

^(a) Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the Electoral Administration Act 2006 (c.22); subsection (6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50)..

The Poll

Admission to polling station

- 30.** –(1) The presiding officer must exclude all persons from the polling station except-
- (a) voters;
 - (b) persons under the age of 18 who accompany voters to the polling station;
 - (c) the candidates and their election agents;
 - (d) the polling agents appointed to attend at the polling station;
 - (e) the clerks appointed to attend at the polling station;
 - (f) persons entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
 - (g) the constables on duty; and
 - (h) the companions of voters with disabilities.
- (2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.
- (3) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.
- (4) A constable or person employed by a returning officer must not be admitted to vote in person elsewhere than at his own polling station allotted to him, except on production and surrender of a certificate as to his employment which must be in the form in the Appendix, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.
- (5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order at polling station

- 31.** –(1) It is the presiding officer's duty to keep order at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station-
- (a) by a constable in or near that station, or
 - (b) by any other person authorised in writing by the returning officer to remove him,
- and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

32. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place his seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in his view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters

33. –(1) At the time of the application (but not afterwards), the questions specified in the second column of the following Table-

(a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column, and

(b) must be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put:

<i>Q No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	(a)-Are you the person registered in the register of local government electors as follows? <i>read the whole entry from the register</i> [R] (b)-Have you already voted here or elsewhere at this election for *(this county) *(this district) *(this London Borough) *(this county borough) <i>*delete whichever is inapplicable (adding, in the case of an election for several electoral areas, in this or any other electoral area) otherwise than as proxy for some other person?</i> [R]
2	A person applying as proxy	(a)-Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?[R] (b)- Have you already voted here or elsewhere at this election for *(this county) *(this district) *(this London borough) *(this county borough), <i>*delete whichever is inapplicable (adding in the case of an election for several electoral areas, in this or any other electoral area) as proxy on behalf</i>

- of C.D.?[R]
(c)-Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.?[R]
- 3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)
- (a)-Are you the person entitled to vote on behalf of the elector whose number on the register of electors is (*read out the number*)?[R]
(b)-Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is (*read out the number*)?[R]
(c)-Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (*read out the number*)?[R]
- 4 A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative
- Have you already voted at this election for *(this county), *(this district) *(this London borough) *(this county borough), **delete whichever is inapplicable (adding, in the case of an election for several electoral areas, in this or any other electoral area)* on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?[R]
- 5 A person applying as an elector in relation to whom there is an entry in the postal voters list
- (a)-Did you apply to vote by post?
(b)-Why have you not voted by post?
- 6 A person applying as proxy who is named in the proxy postal voters list
- (a)-Did you apply to vote by post as proxy?
(b)-Why have you not voted by post as proxy?

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register shall be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.

(5) Nothing in this rule shall prevent the presiding officer who attends at a polling station from providing any voter with a questionnaire concerning the conduct of the election.

(6) The questionnaire mentioned in paragraph (5) must not-

- (a) be delivered to a voter until he has placed his ballot paper into the ballot box; or
- (b) contain any question designed to elicit any information from the voter as to the candidate for whom he has voted.

Challenge of voter

34. A person must not be prevented from voting by reason only that-

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

35. —(1) When a voter applies for a ballot paper, his number and (unless paragraph (3) applies) his name as stated on the copy of the register of electors must be called out and, subject to paragraph (5), if he is applying at an advance voting station, he must sign the list mentioned in rule 26(4)(d) beside the number of the ballot paper to be delivered to him.

(2) A ballot paper must be delivered to a voter who applies for one and, if so required by paragraph (1), signs in accordance with that paragraph, and immediately before delivery-

(a) the number of the elector must be marked on the list mentioned in rule 26(4)(d) beside the number of the ballot paper to be issued by him;

(b) a mark must be placed on the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and

(c) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(3) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1).

(4) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraphs (1) and (2) are modified as follows:

(a) in paragraph (1), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;

(b) in paragraph (2)(b), for “on the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(5) The requirement to sign in paragraph (1) does not apply to a voter to whom rule 36 or 37 applies if the presiding officer is satisfied that, because of his incapacity or inability to read, it is not reasonably practicable for the voter to be required to sign, but the presiding officer must mark in the space for signature the letters “PI”.

(6) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments

in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(7) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

(8) Subject to paragraph (5), if the voter refuses or fails to sign if so required by paragraph (1), the presiding officer must refuse to deliver a ballot paper to him.

(9) A refusal under paragraph (8) of the presiding officer to deliver a ballot paper shall be final and may not be questioned in any proceedings other than proceedings on an election petition.

Votes marked by presiding officer

36. –(1) The presiding officer, on the application of a voter-

(a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or

(b) who declares orally that he is unable to read,

must, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

(3) In the case of a person in respect of whom a notice has been issued under section 13(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13(3B) or (3D) of the 1983 Act".

(4) The same list may be used for the principal area election and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

Voting by persons with disabilities

37. –(1) If a voter makes an application to the presiding officer to be allowed, on the ground of-

(a) blindness or other disability, or

(b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as the "companion"), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer-

(a) is satisfied that the voter is so incapacitated, and

(b) is also satisfied by a written declaration made by the companion (in these Rules referred to as "the declaration made by the companion of a voter with disabilities") that the companion-

(i) is a qualified person within the meaning of this rule; and

(ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to, or by, that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote if that person-

(a) is a person who is entitled to vote as an elector at the election; or

(b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number on the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as "the list of voters with disabilities assisted by companions").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

(6) The declaration made by the companion-

(a) must be in the form in the Appendix,

(b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and

(c) must forthwith be given to the presiding officer who must attest and retain it.

(7) No fee or other payment shall be charged in respect of this declaration.

Tendered ballot papers; circumstances where available

38. -(1) If a person, representing himself to be-

- (a) a particular elector named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as an elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if-

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if-

- (a) a person applies for a ballot paper representing himself to be a particular person named as proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be-

- (a) a particular elector named on the register who is also named in the postal voters list, or
- (b) a particular person named as proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

39. –(1) A tendered ballot paper must-

- (a) be of a colour differing from other ballot papers;

(b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these Rules referred to as the "tendered votes list").

(3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name shall be the number of the elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 38 apply subject to the following modifications-

(a) in paragraphs (1)(b) and (2), the references to the name of the voter shall be ignored;

(b) otherwise, a reference to a person named on a register or list shall be construed as a reference to a person whose number appears on the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 38 shall apply as if-

(a) in rule 38(1)(a), (2)(a) and (5)(a), for "named on the register" there were substituted "in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued";

(b) in paragraph (1)(b) of this rule for "his number on the register of electors" there were substituted "the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act";

(c) in paragraph (2) of this rule, for "his number on the register of electors" there were substituted "the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act".

Spoilt ballot papers

40. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as "a spoilt ballot paper"), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on day of poll

41. -(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each relevant election or referendum, unless the list identifies the election or referendum for which a ballot paper was issued.

Adjournment of poll in case of riot

42. –(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the returning officer.

(2) Where the poll is adjourned at any polling station-

(a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and

(b) references in these Rules to the close of the poll shall be construed accordingly.

(3) Where the proceedings at any advance voting station are interrupted or obstructed by riot or open violence, the presiding officer must treat the time of the interruption or obstruction as the conclusion of the poll on the advance voting day and shall forthwith give notice to the returning officer.

Procedure on conclusion of poll on advance voting day

43. –(1) As soon as practicable after the conclusion of the poll on an advance voting day, the presiding officer must, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals-

(a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached,

(b) the unused and spoiled ballot papers placed together,

(c) the tendered ballot papers,

(d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,

(e) the lists prepared under rule 17 including the parts which were completed in accordance with rule 35(2)(a) (together referred to in these Rules as “the completed corresponding number lists”),

(f) the certificates of employment on duty on the day of advance voting,

(g) the tendered votes list, the list of voters with disabilities assisted by companions,

the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of voters with disabilities,

and must deliver the packets, or cause them to be delivered, to the returning officer to be taken charge of by him, but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.

(2) The packets must be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

Procedure on close of poll

44. –(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals-

(a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the keys, if any, attached,

(b) the unused and spoilt ballot papers placed together,

(c) the tendered ballot papers,

(d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,

(e) the lists prepared under rule 17 including the parts which were completed in accordance with rule 35(4)(b) (together referred to in these Rules as “the completed corresponding number lists”),

(f) the certificates as to employment on duty on the day of the poll,

(g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 41 (correction of errors on day of the poll), and the declarations made by the companions of voters with disabilities,

and must deliver the packets, or cause them to be delivered, to the returning officer to be taken charge of by him, but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.

(2) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Counting of Votes

Attendance at counting of votes

45. –(1) The returning officer must make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and must give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) No person other than-

- (a) the returning officer and his clerks,
- (b) the candidates and one other person chosen by each of them,
- (c) the election agents,
- (d) the counting agents, and
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of votes, unless permitted by the returning officer to attend.

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he-

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(4) The returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

46. –(1) The returning officer must-

- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the election agents verify each ballot paper account; and
- (c) count such of the ballot papers as have been duly returned and record the number counted.

(2) The returning officer must not count the votes given on any ballot papers until-

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(3) A postal ballot paper must not be taken to be duly returned unless-

- (a) it is returned in the manner set out in paragraph (4) and reaches the returning officer or any polling station in the electoral area in question before the close of the poll;

- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (4) and reaches him or such a polling station before that time;
 - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be); and
 - (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act, the returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).
- (4) The manner in which any postal ballot paper or postal voting statement may be returned-
- (a) to the returning officer, is by hand or by post; and
 - (b) to a polling station, is by hand.
- (5) The returning officer must not count any tendered ballot paper.
- (6) The returning officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (7) The returning officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the results of the verification, which any election agent may copy.
- (8) The returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.
- (9) During the time so excluded the returning officer must-
- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
 - (b) otherwise take proper precautions for the security of the papers and documents.

Verification and sorting after advance voting day

- 47.** -(1) Nothing in rules 43 to 46 shall prevent the returning officer after the conclusion of the poll on an advance voting day from carrying out the steps in rule 46(1)(a), (1)(b) and 46(7) and from sorting the ballot papers by reference to electoral area in respect of the poll taken on an advance voting day, such steps being referred to in this rule as "advance voting sorting and tallying".
- (2) The provisions of rule 45 shall apply to the advance voting sorting and tallying as if a reference to the counting of votes were a reference to the advance voting sorting and tallying.
- (3) The returning officer while carrying out advance voting sorting and tallying must keep the ballot papers with their faces downwards and take all proper precautions for preventing any

person from seeing the vote cast on the front of the papers.

(4) During any time after the advance voting sorting and tallying until the proceedings under rules 45 and 46 the returning officer must-

(a) place the ballot papers and other documents relating to the election under his own seal and the seals of such counting agents as are present and desire to affix their seals; and

(b) otherwise take proper precautions for the security of the papers and documents.

Re-count

48. –(1) A candidate or his election agent may, if present when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

49. –(1) Any ballot paper-

(a) which does not bear the official mark, or

(b) on which votes are given for more candidates than the voter is entitled to vote for, or

(c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back, or

(d) which is unmarked or void for uncertainty,

shall, subject to paragraphs (2) and (3), be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote must be counted.

(3) A ballot paper on which the vote is marked-

(a) elsewhere than in the proper place, or

(b) otherwise than by means of a cross, or

(c) by more than one mark,

shall not for such reason be deemed to be void (either wholly or as respects that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(4) The returning officer must-

- (a) endorse the word "rejected" on any ballot paper which under this rule is not to be counted; and
- (b) in the case of a ballot paper on which any vote is counted under paragraph (2), endorse the words "rejected in part" on the ballot paper and indicate which vote or votes have been counted;

and must add to the endorsement the words "rejection objected to" if any objection is made by a counting agent to his decision.

(5) The returning officer must draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of-

- (a) want of official mark;
- (b) voting for more candidates than the voter is entitled to;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or void for uncertainty;

and the statement must record the number of ballot papers rejected in part.

Decisions on ballot papers

50. The decision of the returning officer on any question arising in respect of a ballot paper shall be final but shall be subject to review on an election petition.

Equality of votes

51. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer must forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

PART 4

Final Proceedings in Contested or Uncontested Cases

Declaration of result

52. –(1) In a contested election, when the result of the poll has been ascertained, the returning officer must forthwith-

- (a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected;
- (b) give notice of the name of each candidate to whom sub-paragraph (a) applies to the proper officer of the council for which the election is held; and

- (c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) In an uncontested election, the returning officer must as soon as practicable after the latest time for delivery of notices of withdrawals of candidature-

- (a) declare to be elected the person or persons remaining validly nominated;
- (b) give notice of the name of each person to whom sub-paragraph (a) applies to the proper officer of the council for which the election is held; and
- (c) give public notice of the name of each such person.

PART 5

Disposal of Documents

Sealing up of ballot papers

53. –(1) On the completion of the counting at a contested election the returning officer must seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

(2) The returning officer must not open the sealed packets of-

- (a) tendered ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to employment on duty on the day of the poll, or

marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983

- (d) Act) and lists of proxies.

Delivery of documents to relevant registration officer

54. –(1) The returning officer must then forward to the relevant registration officer the following documents-

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 41, and the declarations made by the companions of voters with disabilities,

- (d) the packets of the completed corresponding number lists,
- (e) the packets of certificates as to employment on duty on the day of the poll, and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list.

(2) In this rule and in rules 55, 56 and 57 references to the relevant registration officer are to the registration officer of the local authority in whose area the election is held.

Orders for production of documents

55. –(1) An order-

- (a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the relevant registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to-

- (a) persons,
- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order may think expedient, but in making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved-

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified election-

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of-

- (a) a ballot paper purporting to have been used at any election, and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the elector whose vote was given by the ballot paper was the person whose entry in the register of electors or a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the election contained the same number as the number written as mentioned in subparagraph (b) of this paragraph.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Retention of documents

56. The relevant registration officer must retain for one year all documents relating to an election forwarded to him in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an order of a county court, a Crown court, a magistrates' court or an election court, must cause them to be destroyed.

PART 6

Death of a Candidate

Countermand or abandonment of poll on death of a candidate

57. –(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 of the 1983 Act(a) apply in respect of any vacancy which remains unfilled.

(2) Where the poll is abandoned by reason of a candidate's death no further ballot papers shall be issued, and the presiding officer at any polling station must take the steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot

(a) Subsection (1) of section 39 was amended by the Local Government Act 1985 (c.51), Schedule 17, and the Representation of the People Act 1985 (c.50), section 19(2).

papers and other documents as he is required to take on the close of the poll in due course.

(3) The returning officer must dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of votes, subject to paragraphs (4) and (5).

(4) It is not necessary for any ballot paper account to be prepared or verified

(5) The returning officer must seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(6) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents by the relevant registration officer relating to the poll at an election shall apply to any such documents relating to a poll abandoned by reason of a candidate's death, subject to paragraphs (7) and (8).

(7) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(8) No order is to be made for-

- (a) the inspection or production of any ballot papers, or
- (b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution.

Appendix

Article 3(4)

Form of Corresponding Number List – M1

<p>Corresponding Number List – M1 (to be used when a local government election is combined with another election/referendum)</p>		
Constituency/ Area(s):	-----	
Date of Poll:	-----	
Sheet No.:	-----	

<p>Ballot Paper Number <i>Identify the number issued for election/referendum</i></p>	<p>Unique Identifying Mark <i>Identify the mark for each ballot paper</i></p>	<p>Elector Number <i>(to be completed only in respect of ballot papers</i></p>
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SCHEDULE 2

Article 3(3)

THE PARISHES – ADVANCE VOTING AND SIGNING FOR BALLOT PAPERS – PILOT RULES

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PART 1

Provisions as to Time

Timetable

- 1. The proceedings at the election shall be conducted in accordance with the following Table.

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election
Publication of statement of persons nominated	Not later than noon on the seventeenth day before the day of election
Delivery of notices of withdrawals of candidature	Not later than noon on the sixteenth day before the day of election
Notice of poll	Not later than the sixth day before the earliest advance voting day
Polling and advance voting	At advance voting stations on an advance voting day, between the hours of- -9 a.m. and 5 p.m. on Monday 23, Tuesday 24, Wednesday 25, Thursday 26, Friday 27 and Monday 30 April and Tuesday 1 May -9 a.m. and noon on Saturday 28 April and Wednesday 2 May

and between the hours of 7 a.m. and 10 p.m. at a polling station on the day of the poll.

Computation of time

2. –(1) In computing any period of time for the purposes of the Timetable-

- (a) a Saturday or a Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a) in England and Wales.

PART 2

Stages Common to Contested and Uncontested Elections

Notice of election

3. –(1) The returning officer must publish notice of the election stating-

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the dates of the poll and of advance voting days in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must state the date by which-

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

Nomination of candidates

4. –(1) Each candidate must be nominated by a separate nomination paper, in the form in the Appendix, delivered at the place fixed for the purpose by the returning officer, which shall be at the offices of the council of the district in which the electoral area wholly or mainly lies.

(2) The nomination paper must state the candidate's-

(a) 1971 c.80.

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname must be placed first in the list of names.

(3) If a candidate commonly uses-

- (a) a surname which is different from any other surname he has, or
- (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) The description (if any) must not exceed six words in length and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

Nomination papers: name of registered political party

5. –(1) A nomination paper may not include the description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the party is a qualifying party in relation to the electoral area and the description is authorised by a certificate-

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the returning officer before the last time for the delivery of nomination papers set out in the table in rule 1.

(2) In paragraph (1) an authorised description may be either-

- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000(a), or
- (b) a description of the party registered under section 28A of that Act.

(3) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the

(a) 2000 c.41. Section 28 was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006(c.22).

Section 28A was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).
Section 26B was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22),

parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate-

(a) issued by or on behalf of the registered nominating officer of each of the parties, and

(b) received by the returning officer before the last time for the delivery of nomination papers set out in the table in rule 1.

(4) For the purposes of paragraph (3), a description is a registered description if it is a description registered for use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000.

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's nominating officer.

(6) For the purposes of the application of this rule in relation to an election-

(a) "registered political party" means a party which was registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day ("the relevant day") which is two days before the last day for delivery of nomination papers at that election;

(b) a registered political party is a qualifying party in relation to an electoral area if the electoral area is in England or Wales and the party was on the relevant day registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act.

(7) For the purposes of paragraph (6)(a), any day falling within rule 2(1) must be disregarded.

Subscription of nomination paper

6. –(1) The nomination paper must be subscribed by two electors as proposer and seconder.

(2) Where a nomination paper has the signature of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category must be taken into account to the exclusion of any others in that category.

(3) The nomination paper must give the electoral number of each person subscribing it.

(4) The returning officer-

(a) must supply any elector with as many forms of nomination paper and forms of

consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

(b) must at any elector's request prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the returning officer.

(5) A person must not subscribe more nomination papers than there are vacancies to be filled in the electoral area; nor subscribe any nomination paper in respect of an election in any other electoral area of the same local government area whilst the election in the first-mentioned area is taking place:

Provided that a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.

(6) If a person subscribes any nomination paper in contravention of paragraph (5) above, his signature shall be inoperative on all but those papers (up to the permitted number) which are first delivered.

(7) In this rule "elector"-

(a) means a person who is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of the election; and

(b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

(8) But in this rule, "elector" does not include a person who has an anonymous entry in the register.

Consent to nomination

7. A person shall not be validly nominated unless his consent to nomination-

(a) is given in writing on or within one month before the last day for the delivery of nomination papers,

(b) is in the form in the Appendix, or a form to the like effect,

(c) is attested by one witness, and

(d) is delivered at the place and within the time for the delivery of nomination papers.

Decisions as to the validity of nomination papers

8. -(1) Where a nomination paper and a candidate's consent to it are delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until-

(a) the returning officer decides that the nomination paper is invalid; or

(b) proof is given to the returning officer's satisfaction of the candidate's death;
or

(c) the candidate withdraws.

(2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds-

(a) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and

(b) that the paper is not subscribed as so required.

(3) Subject to paragraph (4), the returning officer must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.

(4) If in the returning officer's opinion a nomination paper breaks rule 5(1) or (3), he must give a decision to that effect-

(a) as soon as practicable after the delivery of the nomination paper, and

(b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the table in rule 1.

(5) Where the returning officer decides that a nomination paper is invalid, he must endorse and sign on the paper the fact and the reasons for his decision.

(6) The returning officer must send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceedings whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

9. -(1) The returning officer must prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the returning officer thinks-

(a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or

(b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(7) In the case of a person nominated by more than one nomination paper, the returning officer must take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

Correction of minor errors

10. –(1) A returning officer may, if he thinks fit, at any time before the publication under rule 9 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include-

(a) errors as to a persons electoral number;

(b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by a returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

(4) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

Inspection of nomination papers and consents to nomination

11. During ordinary office hours on any day, other than a day specified in rule 2(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Nomination in more than one electoral area

12. A candidate who is validly nominated for more than one ward of the same parish or community must withdraw from his candidature in all those wards except one, and if he does not so withdraw, he shall be deemed to have withdrawn from his candidature in all those wards.

Withdrawal of candidates

13. –(1) A candidate may withdraw his candidature by notice of withdrawal-

(a) signed by him and attested by one witness, and

(b) delivered to the returning officer at the place for delivery of nomination

papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if-

(a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in the declaration to be, outside the United Kingdom; or

(b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

14. –(1) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules exceeds the number of councilors to be elected, a poll must be taken in accordance with Part 3 of these Rules.

(2) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules does not exceed the number of councilors to be elected, such person or persons must be declared to be elected in accordance with Part 4 of these Rules.

PART 3

Contested Elections

General Provisions

Poll to be taken by ballot

15. The votes at the poll must be given by ballot; the result must be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, must be declared to have been elected.

The ballot papers

16. –(1) The ballot of every voter must consist of a ballot paper, and the persons remaining validly nominated for the electoral area after any withdrawals under these Rules, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper must be in the form in the Appendix, and must be printed in accordance with the directions in that Appendix, and-

(a) must contain the names and other particulars of the candidates as shown in the statement of persons nominated;

(b) must be capable of being folded up;

(c) must have a number and other unique identifying mark printed on the back;
and

(d) must be of a different colour from that of any ballot papers used at any relevant election or referendum.

(3) If a candidate who is the subject of a party's authorisation under rule 5(1) so requests, the ballot paper must contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The candidate's request under paragraph (3) must-

(a) be made in writing to the returning officer, and

(b) be received by him before the last time for the delivery of nomination papers set out in the table in rule 1.

(5) The order of the names in the ballot paper must be the same as in the statement of persons nominated.

The corresponding number list

17. –(1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 22(1) or provided by him in pursuance of rule 26(1).

(2) The list must be in the appropriate form in the Appendix or a form to the like effect.

The official mark

18. –(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at elections for the same parish or community, as the case may be.

(3) The returning officer may use a different official mark for different purposes at the same election but must use the same official mark or marks for ballot papers issued on advance voting days as on the day of the poll.

Prohibition of disclosure of vote

19. No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

20. –(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes-

- (a) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school; or
 - (b) a room the expense of maintaining which is payable out of any rate.
- (2) The returning officer must make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll or counting the votes.

Action to be Taken Before the Poll

Notice of poll

21. –(1) The returning officer must publish notice of the poll stating-

- (a) the day and hours fixed for the poll;
- (b) the dates and times of the polling at each advance voting station;
- (c) the number of councillors to be elected;
- (d) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated); and
- (e) the names of the proposer and seconder signing a candidate's nomination paper.

(2) Where a candidate is nominated by more than one nomination paper, the nomination paper referred to in paragraph (1)(e) must be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken.

(3) The returning officer must, not later than the time of the publication of the notice of the poll, also give public notice of-

- (a) the situation of each polling station and advance voting station; and
- (b) the description of voters entitled to vote there,

and he must as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(4) The notice published under paragraph (3) must-

- (a) state that the poll at the parish or community election is to be taken together with the poll at a relevant election or referendum;
- (b) specify the parliamentary constituency(a), local counting area, voting area or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election is held; and

(a) For the meaning of "parliamentary constituency", see section 1 of the Parliamentary Constituencies Act 1986 (c.56).

(c) where any of the polls are to be taken together in part of the local government area only, specify that part.

Postal ballot papers

22. –(1) The returning officer must, in accordance with regulations made under the 1983 Act(a), issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to the like effect, together with such envelopes for their return as may be prescribed by such regulations.

(2) The returning officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain-

(a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;

(b) a translation into Braille of such directions or guidance;

(c) graphical representations of such directions or guidance;

(d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the returning officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

Provision of polling stations and advance voting stations

23. –(1) The returning officer must provide a sufficient number of polling stations on the day of the poll and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

(2) The returning officer must also provide advance voting stations for polling on advance voting days.

(3) The returning officer must open each advance voting station for polling during such hours at that station as are specified in rule 1.

(4) The returning officer may allot any elector to an advance voting station and paragraph (6) shall not apply to any advance voting station

(a) See the Representation of the People (England and Wales) Regulations 2001 (S.I. 2004/341) as amended by S.I. 2002/1871, 2006/752 and 2006/2910.

(5) One or more polling stations or advance voting stations may be provided in the same room.

(6) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral area must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral area.

(7) The returning officer must provide each polling station or advance voting station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

Appointment of presiding officers and polling clerks

24. –(1) The returning officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he must not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

25. –(1) The council of the parish or community may, not later than noon on the nineteenth day before the day of the election, request the returning officer to issue official poll cards for that election.

(2) Where the returning officer receives a request under paragraph (1) he must, as soon as practicable, send to electors and their proxies an official poll card.

(3) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(4) The official poll card must be in the appropriate form in the Appendix, or a form to the like effect, and must set out-

(a) the name of the council and, where appropriate, of the ward to which councillors are to be elected;

- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of voting
- (d) the date and hours of the poll and the situation of the elector's polling station;
- (e) such other information as the returning officer thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (e) to different electors or descriptions of elector.

(5) In the case of an elector with an anonymous entry-

(a) the returning officer must issue an official poll card in the appropriate form in the Appendix to every elector or to his proxy (if appointed) whether or not the local council of the parish or community make the request mentioned in paragraph (1);

(b) instead of containing the elector's name and qualifying address, the polling card must contain the elector's number on the register and such other matter as is specified in the appropriate form in the Appendix; and

(c) the official poll card must be sent in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry in the register.

(6) The returning officer must also take such steps as he may consider expedient to provide electors and their proxies with information concerning the situation of any advance voting station at which they may vote and the date and hours of advance voting at such advance voting station.

(7) Paragraph (7) of rule 6 shall apply for the interpretation of this rule.

(8) If the returning officer and the returning officer for each relevant election or referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every relevant election or referendum.

Equipment of polling stations and advance voting stations

26.—(1) The returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.

(2) The same ballot box may be used for the poll at the parish or community election and the poll at every relevant election or referendum, if the returning officer thinks fit.

(3) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(4) The returning officer must provide each polling station and advance voting station with-

(a) materials to enable voters to mark the ballot papers;

(b) copies of the register of electors for the electoral area or such part of it as contains the names of the electors allotted to the station;

(c) the parts of any special lists prepared for the election corresponding to the register of electors for the electoral area or the part of it provided under subparagraph (b);

(d) a list consisting of that part of the list prepared under rule 17 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(5) The reference in paragraph (4)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act(a) in respect of alterations to the register.

(6) The copies of the relevant part of the register of electors or special lists which are provided to each polling station under paragraph (4)(b) or (c) shall be those that include any marks on the register or lists to show that a ballot paper has been issued to any elector at the advance voting station on a previous advance voting day.

(7) The returning officer must also provide each polling station and including advance voting station with-

(a) at least one large version of the ballot paper which must be printed on the same colour paper as the ballot papers and displayed inside the polling station for the assistance of voters who are partially sighted; and

(b) a device of such description as is set out in paragraph (12) for enabling voters who are blind or partially sighted to vote without any need of assistance from the presiding officer or any companion (within the meaning of rule 37(1)).

(8) Where notwithstanding paragraph (2) separate ballot boxes are to be used, each ballot box must be clearly marked with-

(a) the election or referendum to which it relates, as shown on the ballot paper for that election or referendum; and

(b) the words "Place the [specify colour of ballot papers in question] ballot papers in here".

(9) A notice in the form in the Appendix, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(10) The returning officer may also provide copies of the notice mentioned in paragraph (9) in Braille or translated into languages other than English as he considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(11) In every compartment of every polling station and advance voting station there must be exhibited the notice-

"[Vote for no more than. . .candidates.][Vote for ONE candidate only]. Put no other mark on the ballot paper, or your vote may not be counted."

(12) The device referred to in paragraph (7)(b) must-

(a) allow a ballot paper to be inserted into and removed from, or attached to or

detached from, the device easily and without damage to the paper;

(b) hold the ballot paper firmly in place during use; and

(c) provide suitable means for the voter to-

(i) identify the spaces on the ballot paper on which he may mark his vote;

(ii) identify the candidate to whom each such space refers; and

(iii) mark his vote on the space he has chosen.

Appointment of polling and counting agents

27. –(1) Subject to paragraphs (3) and (4), each candidate may, before the commencement of the poll, appoint-

(a) polling agents to attend at polling stations for the purpose of detecting personation; and

(b) counting agents to attend at the counting of votes.

(2) The same person may be appointed as a polling agent or a counting agent by more than one candidate.

(3) Not more than four polling agents, or such greater number as the returning officer may by notice allow, shall be permitted to attend at any particular polling station and if the number of such agents appointed to attend at a particular polling station exceeds that number, the returning officer must determine which agents are permitted to attend by lot and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(4) The returning officer may limit the number of counting agents, so however that-

(a) the number must be the same in the case of each candidate; and

(b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

For the purposes of the calculations required by this paragraph, a counting agent who has been appointed for more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(5) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the candidate to the returning officer and must be so given not later than the fifth day (disregarding any day specified in rule 2(1)) before-

(a) in the case of a polling agent, the first advance voting day; and

(b) in the case of a counting agent, the day of the poll.

(6) Notices of the appointment of polling agents and counting agents which are required by paragraph (5) and paragraph (7) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in regulation 5 of the Combination of

Polls Regulations(a).

(a) Regulation 5 of the Combination of Polls Regulations has been amended by S.I. 2006/3278.

(7) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and must forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(8) In the following provisions of these Rules references to polling agents and counting agents shall be taken as references to agents-

(a) whose appointments have been duly made and notified; and

(b) where the number of agents is restricted, who are within the permitted numbers.

(9) Any notice required to be given to a counting agent by the returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

(10) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(11) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

28. The returning officer must make such arrangements as he thinks fit to ensure that-

(a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsection (1), (3) and (6) of section 66 of the 1983 Act(a); and

(b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.

Return of postal ballot papers

29. -(1) Where-

(a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or

(b) a proxy postal vote has been returned in respect of a proxy who is entered on

the proxy voters list,

the returning officer must mark the list in the manner prescribed by regulations made under the 1983 Act.

(2) Rule 46(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

The Poll

Admission to polling station

30. –(1) The presiding officer must exclude all persons from the polling station except-

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and their election agents (if appointed);
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;
- (f) persons entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
- (g) the constables on duty; and
- (h) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable or person employed by a returning officer must not be admitted to vote in person elsewhere than at his own polling station allotted to him, except on production and surrender of a certificate as to his employment which must be in the form in the Appendix, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

Keeping of order at polling station

31. –(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station-

(a) by a constable in or near that station, or

(b) by any other person authorised in writing by the returning officer to remove him,

and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

32. Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place his seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in his view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

Questions to be put to voters

33. –(1) At the time of the application (but not afterwards), the questions specified in the second column of the following Table-

(a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column, and

(b) must be put if the letter "R" appears after the question and the candidate or his polling agent requires the question to be put:

<i>Q No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	(a)-Are you the person registered in the register of local government electors as follows? <i>read the whole entry from the register</i> [R] (b)-Have you already voted here or elsewhere at this election for *(this parish) *(this community), <i>*delete whichever is inapplicable (adding, in the case of an election for several wards, in this or any other ward) otherwise than as proxy for some other person?</i> [R]
2	A person applying as proxy	(a)-Are you the person whose name appears as A.B. in the list of proxies for

- this election as entitled to vote as proxy on behalf of C.D.?[R]
 (b)– Have you already voted at this election for *(this parish) *(this community),
 *delete whichever is inapplicable (adding in the case of an election for several wards, in this or any other ward) as proxy on behalf of C.D.?[R]
 (c)-Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.?[R]
- 3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)
- (a)-Are you the person entitled to vote on behalf of the elector whose number on the register of electors is (*read out the number*)?[R]
 (b)-Have you already voted as proxy on behalf of the elector whose number on the register of electors is (*read out the number*)?[R]
 (c)-Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (*read out the number*)?[R]
- 4 A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative
- Have you already voted at this election for *(this parish), *(this community) *delete whichever is inapplicable (adding, in the case of an election for several wards, in this or any other ward) on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?[R]
- 5 A person applying as an elector in relation to whom there is an entry in the postal voters list
- (a)-Did you apply to vote by post?
 (b)-Why have you not voted by post?
- 6 A person applying as proxy who is named in the proxy postal voters list
- (a)-Did you apply to vote by post as proxy?
 (b)-Why have you not voted by post as proxy?

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register shall be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

(3) A ballot paper must not be delivered to any person required to answer any of the above

questions unless he has answered each question satisfactorily.

(4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.

(5) Nothing in this rule shall prevent the presiding officer who attends at a polling station from providing any voter with a questionnaire concerning the conduct of the election.

(6) The questionnaire mentioned in paragraph (5) must not-

(a) be delivered to a voter until he has placed his ballot paper into the ballot box; or

(b) contain any question designed to elicit any information from the voter as to the candidate for whom he has voted.

Challenge of voter

34, A person must not be prevented from voting by reason only that-

(a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or

(b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

35. –(1) When a voter applies for a ballot paper, his number and (unless paragraph (3) applies) his name as stated in the copy of the register of electors must be called out and, subject to paragraph (5), if he is applying at an advance voting station, he must sign the list mentioned in rule 26(3)(d) beside the number of the ballot paper to be delivered to him.

(2) A ballot paper must be delivered to a voter who applies for one and, if so required by paragraph (1), signs in accordance with that paragraph, and immediately before delivery-

(a) the number of the elector must be marked on the list mentioned in rule 26(4)(d) beside the number of the ballot paper to be issued by him;

(b) a mark must be placed on the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and

(c) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(3) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1).

(4) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraphs (1) and (2) are modified as follows:

(a) in paragraph (1), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;

(b) in paragraph (2)(b), for "on the register of electors" substitute "on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act".

(5) The requirement to sign in paragraph (1) does not apply to a voter to whom rule 36 or 37 applies if the presiding officer is satisfied that, because of his incapacity or inability to read, it is not reasonably practicable for the voter to be required to sign, but the presiding officer must mark in the space for signature the letters "PI".

(6) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(7) The voter must vote without undue delay, and must leave the polling station as soon as he has put his ballot paper into the ballot box.

(8) Subject to paragraph (5), if the voter refuses or fails to sign if so required by paragraph (1), the presiding officer must refuse to deliver a ballot paper to him.

(9) A refusal under paragraph (8) of the presiding officer to deliver a ballot paper shall be final and may not be questioned in any proceedings other than proceedings on an election petition.

Votes marked by presiding officer

36. –(1) The presiding officer, on the application of a voter-

(a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules, or

(b) who declares orally that he is unable to read,

must, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13(3B) or (3D) of the 1983 Act".

(4) The same list may be used for the parish or community election and each relevant election or referendum and, where it is so used, an entry on that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

Voting by persons with disabilities

37. –(1) If a voter makes an application to the presiding officer to be allowed, on the ground of-

(a) blindness or other disability, or

(b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as the “companion”), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer-

(a) is satisfied that the voter is so incapacitated, and

(b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion-

(i) is a qualified person within the meaning of these Rules; and

(ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to, or by, that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote if that person-

(a) is a person who is entitled to vote as an elector at the election; or

(b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters with disabilities assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The same list may be used for the parish or community election and each relevant election and referendum and, where it is so used, an entry in that list shall be taken to

mean, that the votes were so given in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.

(7) The declaration made by the companion-

(a) must be in the form in the Appendix,

(b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and

(c) must forthwith be given to the presiding officer who must attest and retain it.

(8) No fee or other payment shall be charged in respect of this declaration.

Tendered ballot papers; circumstances where available

38. –(1) If a person, representing himself to be-

(a) a particular elector named on the register and not named in the absent voters list, or

(b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as an elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if-

(a) a person applies for a ballot paper representing himself to be a particular elector named on the register,

(b) he is also named in the postal voters list, and

(c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if-

(a) a person applies for a ballot paper representing himself to be a particular person named as proxy in the list of proxies,

(b) he is also named in the proxy postal voters list, and

(c) he claims that he did not make an application to vote by post as proxy.

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be-

(a) a particular elector named on the register who is also named in the postal voters list, or

(b) a particular person named as proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

Tendered ballot papers: general provisions

39. –(1) A tendered ballot paper must-

(a) be of a colour differing from other ballot papers;

(b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register of electors, and set aside in a separate packet.

(2) The name of the voter and his number on the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

(3) The same list may be used for the parish and community election and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

(4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name shall be the number of the elector.

(5) In the case of an elector who has an anonymous entry, this rule and rule 38 apply subject to the following modifications-

(a) in paragraphs (1)(b) and (2), the references to the name of the voter shall be ignored;

(b) otherwise, a reference to a person named on a register or list shall be construed as a reference to a person whose number appears on the register or list (as the case may be).

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 38 shall apply as if-

(a) in rule 38(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;

(b) in paragraph (1)(b) of this rule for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;

(c) in paragraph (2) of this rule, for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

Spoilt ballot papers

40. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

Correction of errors on day of poll

41. – (1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election or referendum, unless the list identifies the election or referendum for which a ballot paper was issued.

Adjournment of poll in case of riot

42. –(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(2) Where the poll is adjourned at any polling station-

(a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and

(b) references in these Rules to the close of the poll shall be construed accordingly.

(3) Where the proceedings at any advance voting station are interrupted or obstructed by riot or open violence, the presiding officer must treat the time of the interruption or obstruction as the conclusion of the poll on the advance voting day and shall forthwith give notice to the returning officer.

Procedure on conclusion of poll on advance voting day

43. –(1) As soon as practicable after the conclusion of the poll on an advance voting day, the presiding officer must, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals-

(a) each ballot box in use at the station, sealed so as to prevent the introduction

- of additional ballot papers and unopened, but with the key, if any, attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the lists prepared under rule 17 including the parts which were completed in accordance with rule 35(1)(b) (together referred to in these Rules as “the completed corresponding number lists”),
- (f) the certificates of employment on duty on the day of advance voting,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of voters with disabilities,

and must deliver the packets, or cause them to be delivered, to the returning officer to be taken charge of by him, but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.

(2) The packets must be accompanied by a statement (in these rules referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Procedure on close of poll

44. –(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents appointed for the purposes of the parish or community and those appointed for each relevant election or referendum, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals-

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the keys, if any, attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the lists prepared under rule 17 including the parts which were completed in accordance with rule 35(2)(a) (together referred to in these Rules as “the completed corresponding number lists”),
- (f) the certificates as to employment on duty on the day of the poll,

(g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads "disability" and "unable to read", the list maintained under rule 41 (correction of errors on day of the poll), and the declarations made by the companions of voters with disabilities,

and must deliver the packets, or cause them to be delivered, to the returning officer to be taken charge of by him, but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.

- (2) The contents of the packets referred to in subparagraphs (b), (c) and (f) of paragraph (1) must not be combined with the contents of the packets made under the corresponding rule that applies at any relevant election or referendum, nor shall the statement prepared under paragraph (5) be so combined.
- (3) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.
- (4) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.
- (5) The packets must be accompanied by a statement (in these Rules referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

Counting of Votes

Attendance at counting of votes

45. –(1) Where the returning officer at the parish or community election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must-

(a) make arrangements for-

(i) discharging the functions under rule 46(1) in the presence of the counting agents appointed for the purposes of the parish or community election and those appointed for the purpose of each relevant election or referendum as soon as practicable after the close of the poll, and

(ii) thereafter counting the votes at that election in the presence of the agents appointed for the purpose of that election; and

(b) give to the counting agents appointed for the purposes of the parish or community election and those appointed for the purpose of each relevant election or referendum notice in writing of the time and place at which he will begin to discharge the functions under rule 46(1).

(2) Where the returning officer at the parish or community election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he must-

(a) make arrangements for the counting of votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and

(b) give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.

(3) No person other than-

(a) the returning officer and his clerks,

(b) the candidates and one other person chosen by each of them,

(c) the election agents (If appointed),

(d) the counting agents, and

(e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of votes under paragraphs (4) to (12) of rule 46, unless permitted by the returning officer to attend.

(4) No person other than a person entitled to be present at the counting of the votes at the parish or community election under paragraphs (4) to (12) of rule 46 or at a relevant election or referendum may be present at the proceedings under rule 46(1), unless permitted by the returning officer to attend.

(5) A person not entitled to attend at the proceedings under rule 46(1) or the counting of the votes shall not be permitted to do so by the returning officer unless he-

(a) is satisfied that the efficient separation of the ballot papers or, as the case may be, the efficient counting of votes will not be impeded; and

(b) has either consulted the election agents (if appointed) or thought it impracticable to do so.

(6) The returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(7) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

46.—(1) Where the returning officer at the parish or community election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must-

(a) in the presence of the counting agents appointed for the purposes of the poll at the parish or community election and each relevant election or referendum

open each ballot box and record separately the number of ballot papers used in each election;

(b) in the presence of the counting agents appointed for the purposes of the poll at the parish or community election and the election agents appointed for the purposes of the poll at each relevant election or referendum, verify each ballot paper account; and

(c) count such of the ballot papers as have been duly returned and record separately the number counted at the poll at the parish or community election and each relevant election or referendum;

(d) separate the ballot papers relating to the parish or community election from the ballot papers relating to each relevant election or referendum;

(e) make up into packets the ballot papers for each relevant election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;

(f) deliver or cause to be delivered to the returning officer for the relevant election or referendum to which the ballot papers relate-

(i) those containers, together with a list of them and of the contents of each; and

(ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and

(g) at the same time deliver or cause to be delivered to that officer packets that so relate containing-

(i) the unused and spoilt ballot papers,

(ii) the tendered ballot papers, and

(iii) the certificates as to employment on duty on the day of the poll.

(2) Where separate ballot boxes are used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box intended for use at any relevant election or referendum.

(3) After completion of the proceedings under paragraph (1), the returning officer must mix together all the ballot papers used at the parish or community election and count the votes given on them.

(4) Where the returning officer at the parish or community election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he must-

(a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 45(2)(b), in the presence of the counting agents open each container;

(b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People (England and Wales) Regulations 2001(a) or under that regulation as applied by regulations made

under sections 44 and 105 or 45 and 105 of the Local Government Act 2000**(b)**, count such of the postal ballot papers as have been duly returned and record the number counted; and

(c) mix together the postal ballot papers and the ballot papers from all the containers and count the votes given,

and paragraph (10) shall not apply to these proceedings.

(5) A postal ballot paper must not be taken to be duly returned unless-

(a) it is returned in the manner set out in paragraph (6) and reaches the returning officer or any polling station in the appropriate electoral area (as defined in paragraph (7)) before the close of the poll;

(b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches him or such a polling station before that time;

(c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be); and

(d) in a case where steps for verifying the date of birth and signature of the voter have been prescribed by regulations made under the 1983 Act, the returning officer (having taken such steps) verifies the date of birth and signature of the voter.

(6) The manner in which any postal ballot paper or postal voting statement may be returned-

(a) to the returning officer, is by hand or by post; and

(b) to a polling station, is by hand.

(7) The appropriate electoral area in respect of any voter shall be-

(a) the area which is common to the parliamentary constituency**(d)**, electoral area, local counting area, local authority area or voting area (as the case may be) in which the polls at the parish or community election and any relevant election or referendum are being taken together; and

(b) in respect of which polls the postal voter has been issued with a ballot paper.

(8) The returning officer must not count any tendered ballot papers.

(9) The returning officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(10) The returning officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the results of the verification, which any election agent (if appointed) may copy.

(11) The returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.

(12) During the time so excluded the returning officer must-

(a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and

(b) otherwise take proper precautions for the security of the papers and documents.

Verification and sorting after advance voting day

47. -(1) Nothing in rules 43 to 46 shall prevent the returning officer after the conclusion of the poll on an advance voting day from carrying out the steps in rule 46(1)(a), (1)(b) and 46(7) and from sorting the ballot papers by reference to electoral area in respect of the poll taken on an advance voting day, such steps being referred to in this rule as "advance voting sorting and tallying".

(2) The provisions of rule 45 shall apply to the advance voting sorting and tallying as if a reference to the counting of votes were a reference to the advance voting sorting and tallying.

(3) The returning officer while carrying out advance voting sorting and tallying must keep the ballot papers with their faces downwards and take all proper precautions for preventing any person from seeing the vote cast on the front of the papers.

(4) During any time after the advance voting sorting and tallying until the proceedings under rules 45 and 46 the returning officer must-

(a) place the ballot papers and other documents relating to the election under his own seal and the seals of such counting agents as are present and desire to affix their seals; and

(b) otherwise take proper precautions for the security of the papers and documents.

Re-count

48. -(1) A candidate or his election agent (if appointed) may, if present when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents (if appointed) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

49. –(1) Any ballot paper-

- (a) which does not bear the official mark, or
- (b) on which votes are given for more candidates than the voter is entitled to vote for, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to paragraphs (2) and (3), be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote must be counted.

(3) A ballot paper on which the vote is marked-

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be deemed to be void (either wholly or as respects that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(4) The returning officer must-

- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and
- (b) in the case of a ballot paper on which any vote is counted under paragraph (2), endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted;

and must add to the endorsement the words “rejection objected to” if any objection is made by a counting agent to his decision.

(5) The returning officer must draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of-

- (a) want of official mark;
- (b) voting for more candidates than the voter is entitled to;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or void for uncertainty;

and the statement must record the number of ballot papers rejected in part.

Decisions on ballot papers

50. The decision of the returning officer on any question arising in respect of a ballot paper shall be final but shall be subject to review on an election petition.

Equality of votes

51. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer must forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

PART 4

Final Proceedings in Contested or Uncontested Cases

Declaration of result

52. –(1) In a contested election, when the result of the poll has been ascertained, the returning officer must forthwith-

(a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected;

(b) give notice of the name of each candidate to whom sub-paragraph (a) applies to-

(i) the proper officer of the parish or community council; and

(ii) the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate; and

(c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) In an uncontested election, the returning officer must as soon as practicable after the latest time for delivery of notices of withdrawals of candidature-

(a) declare to be elected the person or persons remaining validly nominated;

(b) give notice of the name of each person to whom sub-paragraph (a) applies to-

(i) the proper officer of the parish or community council, and

(ii) the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate; and

(c) give public notice of the name of each such person.

PART 5

Disposal of Documents

Sealing up of ballot papers

53. –(1) On the completion of the counting at a contested election the returning officer must seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

(2) The returning officer must not open the sealed packets of-

(a) tendered ballot papers, or

(b) certificates as to employment on duty on the day of the poll.

(3) Where the returning officer discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, he must also not open the sealed packets of-

(a) the completed corresponding number lists, or

(b) the marked copies of the register of electors (Including any marked copy notices issued under section 13(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery of documents to relevant registration officer

54. –(1) The returning officer must then forward to the relevant registration officer the following documents-

(a) the packets of ballot papers in his possession,

(b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,

(c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 41, and the declarations made by the companions of voters with disabilities,

(d) the packets of the completed corresponding number lists,

(e) the packets of certificates as to employment on duty on the day of the poll, and

(f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list.

(2) At an election where the returning officer does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (1) shall have effect as if

subparagraphs (c), (d) and (e) were omitted.

(3) In this rule and in rules 55, 56 and 57 references to the relevant registration officer are to-

(a) the registration officer of the local authority in whose area the election is held and in which the parish or community is situate;

(b) if the electoral area for the relevant election or referendum comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered;

(c) if the returning officer discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, the registration officer of the local authority in whose area the parish or community election is held and in which the parish or community is situate.

Orders for production of documents

55. –(1) An order-

(a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the relevant registration officer; or

(b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to-

(a) persons,

(b) time,

(c) place and mode of inspection,

(d) production or opening,

as the court making the order may think expedient, but in making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved-

(i) that his vote was given; and

(ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified election-

(a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and

(b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of-

(a) a ballot paper purporting to have been used at any election, and

(b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the elector whose vote was given by the ballot paper was the person whose entry in the register of electors or a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the election contained the same number as the number written as mentioned in subparagraph (b) of this paragraph.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

Retention of documents

56. The relevant registration officer must retain for one year all documents relating to an election forwarded to him in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an order of a county court, a Crown court, a magistrates' court or an election court, must cause them to be destroyed.

PART 6

Death of a Candidate

Countermand or abandonment of poll on death of a candidate

57.—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1)

and (5) of section 39 of the 1983 Act^(a) apply in respect of any vacancy which remains unfilled.

(2) Neither the countermand of the poll at the parish or community election nor the direction that the poll be abandoned shall affect the poll at each relevant election or referendum.

(3) Where the poll at the parish or community election is abandoned by reason of a candidate's death no further ballot papers shall be issued.

(4) At the close of the poll at each relevant election or referendum the presiding officer must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as he is required to take if the poll at the parish or community election had not been abandoned.

(5) The returning officer must dispose of ballot papers used at the parish or community election (at which a candidate has died) as he is required to do on the completion in due course of the counting of votes, subject to paragraphs (6) and (7).

(6) It is not necessary for any ballot paper account to be prepared or verified.

(7) Having separated the ballot papers relating to each relevant election or referendum, the returning officer must take no step or further step for the counting of the ballot papers used at the parish or community election (at which a candidate has died) or of the votes cast at that parish or community election.

(8) The returning officer must seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(9) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents by the relevant registration officer relating to the poll at an election shall apply to any such documents relating to a poll abandoned by reason of a candidate's death, subject to paragraphs (10) and (11).

(10) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(11) No order is to be made for-

(a) the inspection or production of any ballot papers, or

(b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution.

^(a) Subsection (1) of section 39 was amended by the Local Government Act 1985 (c.51), Schedule 17, and the Representation of the People Act 1985 (c.50), section 19(2).

Table

Modifications to enactments

(1) <i>Provision</i>	(2) <i>Modifications</i>
<i>1983 Act</i>	
Section 49	For subsection (4) substitute- “(4) Subject to (4B) below, any entry in the register of parliamentary or local government electors, if it gives a date as that on which the person named will attain voting age, shall for any purpose of this Part relating to him as elector be conclusive that until the date given in the entry he is not of voting age nor entitled to be treated as an elector.” After subsection (4A) insert- “(4B) A person is entitled to be treated as an elector for the purposes of voting at an advance voting station on an advance voting day where the date relating to him in the register is the 3 rd of May 2007 or any earlier date.”
Effect of registers	
Section 202	In the appropriate place insert- - “advance voting station” and “advance voting day” have the same meaning as in Schedule 2 to the Local Elections (Principal Areas) (England and Wales) Rules 2006 as modified by the Gateshead Council (Advance Voting and Signing for Ballot Papers) Pilot Order 2007; - “day or date of the poll” means the 3 rd of May 2007
<i>2000 Act</i>	
Section 10	After section 10, insert- “Duty to co-operate with the Electoral Commission 10A. -(1) The returning officer for a local government election to which an order under section 10 applies shall ensure that the Electoral Commission, and any person authorised by the Commission, is afforded access to any ballot paper, document, equipment, computer software, computer hardware, data stored electronically or place that is to be, is being, or has been used for the purposes of the election. (2) Subsection (1) shall apply only to the extent that the Electoral Commission reasonably requires access to the ballot paper, document, equipment, computer software, computer hardware, data stored electronically or place for the purpose of enabling the Commission to assess the election in question. (3) Subsection (1) shall not require the returning officer to give access, without an order of the court, to any ballot paper, document, equipment, computer software, computer hardware or data stored electronically which, by reason of a requirement in any enactment, is contained within a sealed packet.”