

BROXBOURNE BOROUGH COUNCIL (EARLY VOTING) PILOT ORDER 2006

Made -23 March- 2006

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);

Broxbourne Borough 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 Borough Council arising on the ordinary date for elections in 2006.

The Secretary of State 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 Broxbourne Borough Council (Early Voting) Pilot Order 2006 and shall come into force forthwith.

Interpretation

2. 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);

“1986 Principal Areas Rules” means the Local Elections (Principal Areas) Rules 1986(d);

“2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001(e);

“The Appendix” means the Appendix to Schedule 2 of the 1986 Principal Areas Rules;

“advance voting day” means any of Thursday 27 April, Friday 28 April, Saturday 29 April and Tuesday 2 May 2006;

“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 of Schedule 1 of this Order;

(a) 2000 c.2. Section 10 is 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. 1986/2214; amended by S.I. 1987/261, 1990/158, 1998/578, 1999/394 2001/81, 2004/223, 2004/1041, (poss 2006 negative regs)

(e) S.I. 2001/341; amended by S.I.2002/1871 (add modification by 2006 Regs)

“the election” means any local government election that takes place arising from a vacancy in the membership of Broxbourne Borough Council arising on the ordinary day of elections in 2006;

“close of the poll” means 10.00 p.m. on 4th May 2006;

“conclusion of the poll on an advance voting day” means the end of the polling period specified in rule 1 of Schedule 1 of this Order on an advance voting day;

“day or date of the poll” means 4th May 2006;

“polling station” means a polling station on the day of the poll and an advance voting station, except where specific provision is made in relation to an advancing voting station differing from that made for a polling station on the day of the poll.

Conduct of elections

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

(2) For the provisions in rules 1 to 49 of Schedule 2 of the 1986 Principal Areas Rules there shall be substituted the provisions in Schedule 1 of this Order.

(3) The provisions set out in column (1) of Table 1 in Schedule 2 shall have effect subject to the modifications mentioned in column (2) of that Table.

Early voting

4.—(1) 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 and where the context requires polling shall include the poll being taken by advance voting.

Signed on behalf of the Secretary of State

23 March 2006

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

THE PRINCIPAL AREAS - EARLY VOTING PILOT RULES

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PART 1

Provisions as to Time

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

Timetable

Timetable

<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 as to 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— <ul style="list-style-type: none">— 9 a.m. and 5 p.m. on Thursday 27 and Friday 28 April,— 9 a.m. and 1 p.m. on Saturday 29 April,— 9 a.m. and 2 p.m. on Tuesday 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 Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday, 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 in England and Wales.

PART 2

Stages Common to Contested and Uncontested Elections

Notice of Election

Notice of election

3.—(1) The returning officer shall 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 shall state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election shall 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 shall 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 shall state the candidate's—

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

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

(3) The description, if any, shall consist of either—

- (a) a description (of not more than 6 words in length) which is authorised as mentioned in rule 5(1) below; or
- (b) the word “Independent”.

Nomination papers: name of registered political party

5.—(1) A nomination paper may not include a 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.

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

(3) 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 II of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of election is required to be published by virtue of rule 1 above (“the relevant time”);
- (b) a registered political party is a qualifying party in relation to an electoral area if the party was at the relevant time registered in respect of England or Wales in the Great Britain register mentioned under that Part of that Act.

Subscription of nomination paper

6.—(1) The nomination paper shall 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 signatures 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 shall be taken into account to the exclusion of any others in that category.

- (3) The nomination paper shall give the electoral number of each person subscribing it.
- (4) The returning officer—
 - (a) shall 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) shall 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 shall 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 electoral 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.

Consent to nomination

- 7. A person shall not be validly nominated unless his consent to nomination—
 - (a) is given in writing in the form in the Appendix, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
 - (b) is attested by one witness, and
 - (c) is delivered at the place and within the time for the delivery of nomination papers.

Decisions as to validity of nomination papers

- 8.—(1) Where a nomination paper and the 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), as soon as practicable after each nomination paper has been delivered, the returning officer shall 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), he shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers.

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

(6) The returning officer shall 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) above, 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 shall 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 shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) The statement shall 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.

(4) In the case of a person nominated by more than one nomination paper, the returning officer shall 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.

Inspection of nomination papers and consents to nomination

10. During ordinary office hours on any day, other than a day specified in rule 2(1) above, 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.

Withdrawal of candidates

11.—(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 that declaration to be, outside the United Kingdom;
- (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.

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.

Method of election

13.—(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 shall 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 shall 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

14. The votes at the poll shall be given by ballot, the result shall 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, shall be declared to have been elected.

The ballot papers

15.—(1) The ballot of every voter shall 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 shall be in the form in the Appendix, and shall be printed in accordance with the directions in that Appendix, and—

- (a) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on it.

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

(4) The request 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.

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

The official mark

16.—(1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall 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 official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

17. 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

18.—(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;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) The returning officer shall 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

19.—(1) The returning officer shall 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)(d) above shall 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 shall, 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
- (b) the description of voters entitled to vote there;

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

Postal ballot papers

20. The returning officer shall, in accordance with regulations made under the Representation of the People Act 1983, issue to those entitled to vote by post a postal ballot paper and a declaration of identity in the forms set out in the Appendix, or forms to like effect, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed by such regulations.

Provision of polling stations and advance voting stations

21.—(1) The returning officer shall provide a sufficient number of polling stations on polling day 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 may also provide advance voting stations for polling on advance voting days.

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

(4) The returning officer may allot any elector to an advance voting station and paragraph (7) below shall not apply to any advance voting station.

(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 shall, 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 shall provide each polling stations 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 clerks

22.—(1) The returning officer shall 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 shall 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 stations 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 stations except order the arrest, exclusion or removal of any person from the polling stations.

Issue of official poll cards

23.—(1) The returning officer shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

(a) as an elector if he is placed on the absent voters list for the election; or

(b) as a proxy if he is entitled to vote by post as proxy at the election.

(2) An elector's official poll card shall 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 shall be in the form in the Appendix, or a form to the like effect, and shall 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.

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

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

Equipment of polling stations

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

(2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked.

(3) The returning officer shall provide each polling station with –

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) 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;
- (d) 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 (c) above.

(4) The copies of the relevant part of the register of electors or special lists which are provided to each polling station under paragraph 3(c) or (d) above shall be those that include any marks on the register or list to show that a ballot paper has been issued to any elector at the advance voting station on a previous advance voting day.

(5) The returning officer shall also provide each polling station with –

- (a) At least one large version of the ballot paper which shall 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 paragraphs (7) to (12) below for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 34(1)).

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

(7) In every compartment of every polling station there shall 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.”

(8) The device referred to in paragraph (5)(b) above must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(9) On the right hand side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (10) to (13) below.

(10) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of particulars of the candidates on which the vote is to be marked (“the relevant space”).

(11) Each tab shall be numbered so that, when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate whose particulars are to the left of the relevant space covered by the tab in question.

(12) Each number on the tab shall be in raised form so that it can clearly be identified by touch.

(13) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

Appointment of polling and counting agents

25.—(1) Subject to paragraphs (3) and (4) below, 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 the votes.

(2) The same person may be appointed as a polling agent or 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 shall 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 shall be the same in the case of each candidate; and
- (b) the number allowed to a candidate shall 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, shall be given by the candidate to the returning officer and shall be so given not later than the fifth day (computed like any period of time in the Timetable) before the first advance voting day.

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

(7) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of the Representation of the People Act 1983 as to the appointment of paid polling agents, and any appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

(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) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his 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.

(12) 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

26. The returning officer shall 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 blind voter to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (2), (3), and (6) of section 66 of the Representation of the People Act 1983; 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.

The Poll

Admission to polling station

27.—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except –

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty;
- (e) the companions of voters with disabilities;
- (f) any representative of the Electoral Commission; and
- (g) any representative of the Department for Constitutional Affairs.

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

(3) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at his own polling station allotted to him under these rules, except on production and surrender of a certificate as to his employment which shall 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.

(4) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in station

28.—(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 shall 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

29. Immediately before the commencement of the poll, the presiding officer shall 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 shall then lock it up and place his seal on it in such a manner as to prevent its being opened without breaking the seal and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to voters

30.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them –

- (a) in the case of a person applying as an elector –
 - (i) “Are you the person registered in the register of local government electors for this election as follows?” (*read the whole entry from the register.*)
 - (ii) “Have you already voted at this election [*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?”;
- (b) in the case of a person applying as proxy –
 - (i) “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.?”
 - (ii) “Have you already voted at this election [*adding, in the case of an election for several electoral areas, in this or any other electoral area*] as proxy on behalf of C.D.?”

(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question –

“Are you the spouse, civil partner, parent, grandparent, brother [sister], child or grandchild of C.D.?”

and if that question is not answered in the affirmative the following question –

“Have you already voted at this election [*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?”

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

(4) Save as by this rule authorised, 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 from providing any voter with a questionnaire concerning the voting times and locations available at the election.

(6) The questionnaire mentioned in paragraph (5) shall not—

- (a) be delivered to a voter until he has left the polling station; 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

31.—(1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent –

- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
- (b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provision of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

Voting procedure

32.—(1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery –

- (a) the ballot paper shall be stamped with the official mark;
- (b) the number and name of the elector as stated in the copy of the register of electors shall be called out;
- (c) the number of the elector shall be marked on the counterfoil;
- (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (e) in the case of a person applying for a ballot paper as proxy, a mark shall be placed against his name in the list of proxies.

(2) The voter, on receiving the ballot paper, shall 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 shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

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

Votes marked by presiding officer

33.—(1) The presiding officer, on the application of a voter –

- (a) who is incapacitated by blindness or other physical cause from voting in manner directed by these rules, or
- (b) who declares orally that he is unable to read,

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in 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, shall 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.

Voting by persons with disabilities

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

- (a) blindness or other physical incapacity, 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 shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, 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 shall 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) above, 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 shall 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) The declaration made by the companion –

- (a) shall be in the form in the Appendix; and
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration.

Tendered ballot papers

35.—(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 the 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, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) A tendered ballot paper shall –

- (a) be of a colour differing from the 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 in the register of electors, and set aside in a separate packet.

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

(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 that elector.

Spoilt ballot papers

36. A voter who has inadvertently dealt with his ballot paper in such 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 shall be immediately cancelled.

Adjournment of poll in case of riot

37.—(1) Where the proceedings at any polling station on polling day are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall 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 shall 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 shall 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 an advance voting day

38.—(1) As soon as practicable after the conclusion of the poll on an advance voting day, the presiding officer shall, 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 attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the counterfoils of the used ballot papers and the certificates of employment on duty on the day of advanced voting,
- (e) 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 shall 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 for each electoral area shall be placed in separate packets and the counterfoils of the used ballot papers and the certificates as to employment on duty on the day shall not be placed in any of those packets.

(3) The packets shall 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.

(4) As soon as practicable after the conclusion of polling on an advance voting day the presiding officer shall deliver the marked copy of the register of electors and of the list of proxies or shall 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.

Procedure on close of poll on polling day

39.—(1) As soon as practicable after the close of the poll on polling day, the presiding officer shall, 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 attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) 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 shall 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 shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(3) The packets shall 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.

Counting of Votes

Attendance at counting of votes

40.—(1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall 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 their spouses or civil partners,
- (c) the election agents,
- (d) the counting agents,
- (e) representatives of the Electoral Commission,
- (f) representatives of the Department for Constitutional Affairs,

may be present at the counting of the 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 shall 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

- 41.**—(1) The returning officer shall –
- (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 postal ballot papers as have been duly returned and record the number counted.
- (2) The returning officer shall 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 shall not be taken to be duly returned unless –
- (a) it is returned in the manner set out in paragraph (4) below and reaches the returning officer or any polling station in the electoral area in question before the close of the poll; and
 - (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (4) below and reaches him or such a polling station before that time.
- (4) The manner in which any postal ballot paper or declaration of identity may be returned –
- (a) to the returning officer, is by hand or by post;
 - (b) to a polling station, is by hand.
- (5) The returning officer shall not count any tendered ballot paper.
- (6) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.
- (7) The returning officer shall 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 shall draw up a statement as to the result of the verification, which any election agent may copy.
- (8) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

- (9) During the time so excluded the returning officer shall –
- (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 days

42.—(1) Nothing in rules 38 - 41 shall prevent the returning officer at a time after the conclusion of the poll on an advance voting day from carrying out the steps in rule 41(1)(a), (1)(b) and 41(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 rules 40 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 shall keep the ballot papers with their faces downwards and taken all proper precautions for preventing and 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 40 and 41 the returning officer shall –

- (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 wish to affix their seals;
- (b) otherwise take proper precautions for the security of the papers and documents.

Re-count

43.—(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

44.—(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 on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to paragraphs (2) and (3) below, 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 shall 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 shall –

- (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) above, endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted;

and shall 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 shall 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 voter is entitled to;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty;

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

Decisions on ballot papers

45. 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

46. 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 shall 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 and Uncontested Elections

Declaration of result

47.—(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall 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) above 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 shall as soon as practicable after the latest time for the 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) above 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

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

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

Delivery of documents

49.—(1) The returning officer shall then forward to the proper officer of the council for which the election is held 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, and the declarations made by the companions of voters with disabilities,
- (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll,
- (e) the packets containing marked copies of registers and of lists of proxies,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the electoral area for which the election was held.

Orders for production of documents

50.—(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 proper officer of the council; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or 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 counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the proper officer of the council 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 counterfoils and certificates or for the inspection of counted ballot papers, care shall 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 proper officer of the council 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 ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.
- (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 proper officer of the council or open any sealed packets of counterfoils and certificates.

Retention and public inspection of documents

51.—(1) The proper officer of the council shall retain for six months amongst the records of the council 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 or an election court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and in such manner as the council may determine.

(3) The proper officer of the council shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as may be determined by the council.

PART 6

Death of a Candidate

Countermand or abandonment of poll on death of candidate

52.—(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 shall 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 Representation of the People Act 1983 apply in respect of any vacancy which remains unfilled.

(2) Where the poll is abandoned by reason of a candidate's death the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll in due course, and the returning officer shall 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 the votes, but

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes shall 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.

(3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications –

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or 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.

SCHEDULE 2

Article 3(3)

Table 1

Modifications to enactments

(1) <i>Provision</i>	(2) <i>Modification</i>
<i>1983 Act</i>	

Section 2	In 2(1) after “area” in the first place that it occurs insert, “, on an advance voting day or on the date of the poll,”.
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Section 49	For subsection (4) substitute—
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“(4) Subject to (4A) 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 (4) insert—

“(4A) 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 4 May 2006 or any earlier date.”

Section 66	Substitute—
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“**66.—(1)** The following persons—

- (a) every returning officer and every presiding officer or clerk attending at a polling station,
- (b) every candidate or election agent or polling agent so attending,
- (c) every representative of the Electoral Commission so attending,
- (d) every representative of the Department for Constitutional Affairs so attending,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (iii) the official mark.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

- (a) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;

(b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(3) No person shall—

(a) interfere with or attempt to interfere with a voter when recording his vote;

(b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;

(c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;

(d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—

(a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or

(b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person; or

(c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number on the back of any ballot paper; or

(d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this section he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

(7) In their application in relation to an election of the London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect with the insertion, after the words “the candidate for whom”, in each place where they occur, of “, or the registered political party towards the return of whose candidates,”.

(8) In relation to an election of the London members of the London Assembly at an ordinary election, any reference in this section to the return of a registered political party's candidates is a reference to the return of candidates included in the list of candidates submitted by the registered political party for the purposes of the election.

Section 202	In the appropriate place insert—
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- “advance voting station” has the same meaning as in Schedule 2 of the 1986 Principal Areas Rules as modified by the Broxbourne Borough Council (Early Voting) Pilot Order 2006;
- “advance voting day” has the same meaning as in Schedule 2 of the 1986 Principal Areas Rules as modified by the Broxbourne Borough Council (Early Voting) Pilot Order 2006;
- “day or date of the poll” means 4th May 2006;”

2000 Act

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.”

Principal Areas Rules 1986

Rule 4(1), Insert in the appropriate place—

Interpretation

- “The Appendix” means the Appendix to the 1986 Principal Areas Rules;
- “advance voting day” means any of Thursday 27 April, Friday 28 April, Saturday 29 April and Tuesday 2 May 2006;
- “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 of Schedule 1 of the Broxbourne Borough Council (Early Voting) Pilot Order 2006;
- “close of the poll” means 10.00 p.m. on 4th May 2006;
- “conclusion of the poll on an advance voting day” means the end of the polling period specified in rule 1 of Schedule 1 of this Order on an advance voting day;
- “day or date of the poll” means 4th May 2006;
- “polling station” means a polling station on the day of the poll and an advance voting station, except where specific provision is made in relation to an advancing voting station differing from that made for a polling station on the day of the poll;”

