

[REDACTED]

From: FOI
Sent: 27 June 2016 16:48
To: [REDACTED]
Subject: FOI 57/16 - Previous Versions of Part D Guidance
Attachments: 2005 - Part D - Register of Electors and Absent Voting.pdf; 2007 - Part D - Absent Voting.pdf; 2010 - Part C - Absent Voting.pdf

Dear [REDACTED]

Our Ref: FOI 57/16

Thank you for your request under the Freedom of Information Act 2000 dated 27 May 2016.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your request is in bold below followed by our response.

You have requested:

The Electoral Commission produces a document "Part D – Absent voting" which includes the guidance to (Acting) Returning Officers on the procedures for the issuing and receipt of absent voter ballot packs.

The Commission website publishes the current version of this guidance, but I would like to see earlier versions of this document as in force for the General Elections in 2001, 2005 and 2010. If this document was not in use at any of these elections, I would like to see any other guidance provided to (Acting) Returning Officers on the process for opening returned absent voter ballot packs, checking the identifiers and removing ballot papers that fail identifier checks for that election.

I would also like to see the earliest published version of the Absent Voting guidance.

Our response is as follows:

The Commission holds information relevant to your request.

The Electoral Commission was only formed in late 2000 and we did not produce any guidance for the 2001 UK Parliamentary election. A copy of our guidance for (Acting) Returning Officers on absent voting for both the 2005 and 2010 UK Parliamentary elections is attached.

The requirement to provide personal identifiers (date of birth and signature) when voting by post was first introduced in 2007 in England and Wales. The first guidance documents which reflected this requirement were those that we produced for the polls held in England and Wales in May 2007. I have attached a copy of the guidance we published for the National Assembly for Wales elections. Equivalent guidance was also published for the local elections in England.

I trust that this information satisfies your request. The Commission strives to be an open, transparent authority.

If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at:
<http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-i-make-an-foi-request>

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: <http://www.ico.gov.uk>

Yours sincerely

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Putting voters first



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Part D – The register of electors and absent voting

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1 Introduction

1.1 The purpose of this part is to provide guidance to assist Electoral Registration Officers, (Acting) Returning Officers and electoral administrators about issues associated with the register of electors and absent voting procedures at a general election.



The roles of the Electoral Registration Officer and the (Acting) Returning Officer are given in Part A – Context.

1.2 This part of the guidance gives the specific procedures and tasks in connection with the duties of:

- the Electoral Registration Officer in respect of maintaining and supplying the register of electors, processing absent voting applications, and making available absent voting records and lists; and
- the (Acting) Returning Officer in respect of the issue and receipt of postal ballots.



Information on managing contractors and suppliers can also be found in Part B – Preparing for a UK Parliamentary general election.

2 Register to be used for the election

Legal requirements

2.1 No specific 'election register' is published. In simple terms, the register to be used at an election will be the register as at the first of the month on or before the last day for nominations.

2.2 Any monthly alterations that are effective after the close of nominations for an election will not be effective for that election.

2.3 If an election falls between 1 September and 30 November inclusive, the register as at 1 September would be used.

Register to be used for nominations

2.4 The register is used to check whether those people who subscribe a nomination form are registered electors, as the rules require that the nomination paper must give the electoral number of each person subscribing it.¹ The version of the register that is to be used to check the nominations, and therefore the register in which the subscribers must appear, is the one that includes all the additions, deletions and amendments and is in force on the last day for publication of the notice of election.² It follows, therefore, that a person who is shown on the register as being under 18 years of age at the time of nomination can only subscribe a nomination paper if they will be 18 on or before polling day.³

Register to be used for polling day

2.5 The register to be used for polling day is the register that was in force when nominations closed. No one can be added or deleted from the register between nominations closing and polling day unless it is due to a clerical error.

Amending the electoral register – clerical errors

2.6 The election register may be amended up to five days (excluding *dies non*) before polling day:⁴

- to correct a clerical error; or
- to implement a court (registration appeal) decision.

Printing of polling station registers

2.7 The printing of polling station registers can be done once the deadline for amending the register due to a clerical error has passed.

1 Election rule 7 (3)

2 Election rule 7 (6)

3 Election rule 7 (6)

4 S 13A and S 13B, RPA 1983

3 Access and supply of the register

3.1 Registers are to be supplied free of charge and in data form unless specifically requested otherwise.⁵

Who can have a register?

3.2 Supply of register to candidates – a candidate at a parliamentary election can request a copy of the full register for the whole or part of the constituency as falls within the registration area of the Electoral Registration Officer.⁶



The meaning of the term **candidate** is given in the **S118A (2) (a) and (b), RPA 1983**. At general elections a person will become a candidate either:

- If they, or others, have declared themselves to be a candidate before the dissolution of Parliament, they will become a candidate on the date of the dissolution of Parliament;

Or otherwise, after dissolution:

- On the day that they, or others, declare themselves to be a candidate or on the day on which they submit their nomination papers (whichever is the earlier).

The Scottish definition is given in Regulation 3 of the Representation of the People (Scotland) Regulations 2001 and is worded differently.

3.3 Supply of the register to registered political parties – a registered political party can request a copy of the full register.⁷

3.4 Supply of the register to local constituency parties – a person nominated within a constituency party by the registered nominating officer of a registered political party should be supplied (on request) with a copy of the full register for the whole or part of the constituency

as falls within the registration area of the Electoral Registration Officer.⁸

3.5 Elected representatives – an MP is also entitled to a copy of the full register for their constituency on request.⁹

3.6 Supply of electoral data to the (Acting) Returning Officer – in Scotland each Electoral Registration Officer is required to provide as many copies of the latest revised version of the full register and most recent list of overseas electors for any constituency wholly or partly in their registration area as the Returning Officer may reasonably require for the purposes of a parliamentary election. In England and Wales an Electoral Registration Officer who is not the Acting Returning Officer has to supply the Returning Officer with these documents.¹⁰

Inspection of the register

3.7 A copy of the full register must be made available for inspection, under supervision, at the office of the Electoral Registration Officer or another place suitable for inspection in the registration area. Any person who inspects the register may only make hand written notes to record any part of it.



A revised register should not be published, **as standard practice**, in advance of an election. The need to re-number electors could cause confusion for candidates and could lead to difficulties in the nomination process.

Where a revised register is not published but the Electoral Registration Officer has allocated suffix numbers (e.g. AB 147/1) to those electors added under the monthly procedure, such entries will appear in the correct position in the copy of the register used at the polling station.

⁵ Regulation 102, RPR 2001

⁶ Regulation 108, RPR (England and Wales) 2001. Also in Regulation 107, RPR (Scotland) 2001

⁷ Regulation 106, RPR 2001

⁸ Regulation 105, RPR 2001

⁹ Regulation 103, RPR 2001

¹⁰ Regulation 97, RPR (Scotland) 2001. Also Regulation 98, RPR (England and Wales) 2001

4 Communicating the postal voting process

Promotion of postal voting

4.1 In the past some local authorities have carried out various promotional activities to increase take up of postal voting. In addition, there is now a tick box on the annual canvass form for electors to request a postal vote application form. This purpose of this section is to provide some good practice advice on communicating the postal voting process.



It is good practice for any promotional material about postal voting to provide information on the **postal voting process**.

For example, it is good practice to communicate clearly the deadlines for the receipt of postal and proxy applications, including making changes to an existing arrangement, and the date on which the ballot papers will be sent out. This information may assist electors in deciding whether postal voting will be an appropriate way for them to choose to cast their vote.

- in the case of a postal vote application, the address where the ballot paper(s) should be sent; and
- in the case of an application for a proxy vote, the grounds on which the applicant claims to be entitled to a proxy vote.

4.3 Further, postal vote applications must state:

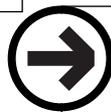
- whether the application is for an indefinite period, or specify the period for the application; and
- whether it is for Parliamentary elections, local government elections or both.

4.4 An application for an absent vote does not therefore have to be made on a particular form. An application can be in the form of a letter as long as it contains the all the information required in law for an application to be valid. Many Electoral Registration Officers design their own absent voting application forms to suit their local circumstances.

Supply of forms

4.2 There is no prescribed form for applying for an absent vote. However, there are a number of pieces of information which must be included on an absent vote application by law.¹¹ Specifically, the application must be signed and dated, and include the following information:

- the full name of the applicant;
- the address where the applicant is registered to vote;
- in the case of an application for a proxy vote, the full name and address of the proxy;



The Commission has also designed absent voting application forms which can be ordered from Prolog.

4.5 Electoral Registration Officers have to supply free of charge as many copies of application forms to vote by post or proxy as appear reasonable in the circumstances to those people who appear to the Electoral Registration Officer to want to use the forms in connection with an election.¹² This includes political parties.

¹¹ Regulation 51, RPR 2001

¹² Regulation 4, RPR 2001



At any briefing sessions conducted for candidates and agents, it should be explained that any party workers collecting postal vote application forms from electors, should deliver the forms directly to the Electoral Registration Officer, within the statutory timescales.

The associated risks of delayed delivery such as disenfranchised voters should be emphasised. Where possible, party works should be requested to return completed applications on a regular basis, rather than leave them until just before the deadline.

Completing and returning postal ballots



The Commission is producing a pictorial leaflet to assist voters in understanding how to complete and return their postal ballot. These leaflets can be ordered from Prolog.

5 Timetable for absent voting

5.1 Deadlines for absent voting applications are statutory.¹³

5.2 When calculating these deadlines, disregard the following *dies non*:

- Saturday;
- Sunday;
- Christmas Eve;
- Christmas Day;
- Maundy Thursday;
- Good Friday; and
- any other bank holiday.

5.3 The deadline for changes to **existing** postal, proxy and postal proxy applications is **11 days before the close of poll at 5pm**.

5.4 The deadline for **new** postal, proxy and postal proxy applications is **six days before the close of poll at 5pm**.



A full timetable, including absent voting deadlines, is given in Part A – Context. A date-specific timetable will be made available as soon as the date of a general election is known.

Receipt of applications

5.5 Absent voting applications must be in writing. However, this includes applications sent by fax or other electronic means, so long as they are in legible form and are capable of being used for subsequent reference.¹⁴

¹³ Regulation 56, RPR 2001

¹⁴ Regulation 5, RPR 2001

6 Proxy and postal proxy voting

6.1 A person may not have more than one proxy at a time and can apply to vote by proxy for an indefinite or definite period or for one election only.¹⁵

Indefinite proxy applications

6.2 Those who wish to apply for a proxy vote for one of the reasons listed below usually do so for an indefinite or definite period. There are a number of acceptable reasons in law that a person can choose to apply to vote by proxy for an indefinite or definite period of time.

6.3 These reasons are:

- incapacity;
- blindness;
- occupation/employment/service/attendance on a course by the applicant or their spouse;
- registered as a service voter; or
- journey necessary by sea or air to get to a polling station from the registered address.

6.4 Overseas electors, mental patients and remand prisoners can also vote by proxy but do not need to meet one of the reasons listed above as there are special arrangements in the law which allow them to vote by proxy.¹⁶

6.5 Proxy applications for an indefinite or definite period require attestation and the reason for the requirement of a proxy vote must be stated on the application.

6.6 Proxy applications for one election only do not require attestation, but a reason for the application must be given.¹⁷

Applying to vote by proxy

6.7 A proxy vote application must be made in writing but can be in any format; a letter, a fax or a proxy application form are all acceptable.

6.8 The following information must be included in a proxy vote application for it to be valid:¹⁸

- the full name of the applicant;
- the address in which the applicant is or will be registered;
- the grounds on which the elector claims to be entitled to vote by proxy;
- the name and address of the proxy;
- whether it is for an indefinite or definite period or for one election only;
- whether it is for Parliamentary elections, local government elections or both; and
- the application must be signed and dated by the applicant.

6.9 A proxy application for an indefinite or a definite period or for one election only, must contain the full name and address of the person they wish to appoint as a proxy, together with the family relationship to the applicant, if any.¹⁹ The applicant must either:

- sign a statement stating that they have consulted with the proxy and that person is capable and willing to be appointed as a proxy; or
- the proxy must sign a statement themselves stating that they are capable and willing to be appointed as the applicant's proxy.

¹⁵ Paragraph 6, Schedule 4, RPA 2000

¹⁶ Paragraphs 3 (3) and 4 (4) (b), Schedule 4, RPA 2000

¹⁷ Paragraph 4 (2), Schedule 4, RPA 2000

¹⁸ Regulations 51 and 52, RPR 2001

¹⁹ Regulation 52, RPR 2001

Requirements of proxy

6.10 In general terms, people who are entitled to be registered to vote in an election are eligible to act as proxy for another at that election.²⁰ The following people are not:

- those subject to a legal incapacity (age apart) to vote in that election as an elector;
- if they are neither a Commonwealth citizen nor a citizen of the Republic of Ireland;²¹ or
- if they have not reached the age of 18.²²

Attestation

6.11 If a proxy application is being made for one of the reasons listed in paragraph 6.3, with the exception of those having to make a journey by sea or air to get to a polling station, and is for an indefinite or definite period then the application must be attested by one of the people specified below.²³ The Electoral Registration Officer will be able to verify whether a journey by sea or air is required to get to the polling station, from their own local knowledge.

Physical incapacity or blindness²⁴

Forms should be attested by:

- a registered medical practitioner or nurse who is treating the person for their physical incapacity;
- a Christian Science practitioner who is treating the person for their incapacity; and
- the manager, warden or matron of a residential home if the person resides in such an establishment.

20 Paragraphs 6 (7) and (8), Schedule 4 RPR 2000

21 Paragraph 6 (3), Schedule 4 RPR 2000

22 Paragraph 6 (5), Schedule 4 RPR 2000

23 Regulations 53 and 54, RPR 2001

24 Regulation 53, RPR 2001

Applications from the following do not require attestation:

- a person who is registered blind if they specify that they are registered blind; and
- an applicant who states they are in receipt of the higher rate of mobility allowance because of their incapacity.

Occupation/employment/service/attendance on a course²⁵

Forms should be attested:

- by the person's employer;²⁶
- if the person is self-employed, by a person aged 18 years or more, who is not related to the person but who knows them;²⁷ and
- if the person is attending a course, by the tutor of that course or the principal of the educational institution where the course is taking place.²⁸

Limits on numbers of proxies

6.12 A person is not entitled to vote as proxy at the same parliamentary election in any constituency on behalf of more than two electors, unless they are close relatives as identified in the following paragraph.²⁹ However, they may be appointed and vote as a proxy, if so appointed, in more than one constituency at a general election.

6.13 The only circumstances in which a person can act as proxy to more than two electors is if they are the husband, wife, parent, grandparent, brother, sister, child or grandchild (if 18 years of age or over) of the elector. There is no limit to the number of close relatives that a proxy may vote for.

25 Regulation 54, RPR 2001

26 Regulation 54 (2) (b), RPR 2001

27 Regulation 54 (2) (a), RPR 2001

28 Regulation 54 (2) (c), RPR 2001

29 Paragraph 6 (6), Schedule 4, RPA 2000

Acknowledging proxy and postal proxy applications

6.14 Where an Electoral Registration Officer has granted an application to vote by proxy they must confirm in writing to the elector that a proxy has been appointed. In addition, the proxy must also be notified of their appointment. The form of the proxy paper for this purpose is prescribed.³⁰

³⁰ Form E, Schedule 3, RPR 2001

7 Postal voting

7.1 There are no restrictions on who can vote by post. Any elector can choose to vote by post if they so wish by making an application, provided that they are registered to vote.

Applying to vote by post

7.2 A postal vote application must be made in writing but can be in any format; a letter, a fax or an absent vote form are all acceptable.

7.3 The following information must be included in a postal vote application in order for it to be valid:³¹

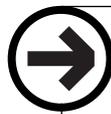
- the full name of the applicant;
- the address in which the applicant is or will be registered;
- the address to which the ballot paper should be sent;
- whether it is for an indefinite or definite period or for one election only;
- whether it is for Parliamentary elections, local government elections or both; and
- the application must be signed and dated by the applicant.

Processing absent vote applications

7.4 Absent vote applications should be processed as soon as practicable after receipt. This becomes more important the closer to the deadlines applications are received.

7.5 If high levels of absent vote applications are received, particularly as the deadline for applications gets closer, it may be necessary to appoint temporary staff to process the applications.

7.6 It is important that all staff, but in particular temporary staff who are not experienced in processing applications, are aware of the statutory requirements that they should be checking on absent vote applications.



A template of instructions which can be given to temporary staff involved in the receipt and checking of absent voting application forms is provided in section 13 – Resources.

Acknowledging postal vote applications

7.7 'Where practicable' the Electoral Registration Officer should write to the elector and acknowledge that their application has been processed.³²



Sending acknowledgements serves two purposes.

- It gives the elector an opportunity to check that the information they gave on their application has been processed correctly.
- It gives an opportunity to safeguard against potential fraud, or misunderstanding on the part of the elector. If an elector receives an acknowledgement for a postal vote that they have not requested, or were not aware that they had requested, the receipt of the acknowledgement would give the elector an opportunity to get in touch with the Electoral Registration Officer.

However, acknowledging postal vote applications (unlike proxy vote acknowledgements) is **not** compulsory and should only be carried out if there is time.

³¹ Regulation 51, RPR 2001

³² Regulation 57 (1), RPR 2001



At a time when many hundreds if not thousands of postal vote applications are arriving in the office and there are huge demands being made on election staff it cannot always be a priority to acknowledge all postal vote applications. Also, it may be confusing for the elector if they receive an acknowledgement after they have received their postal vote.

8 Absent voting records and lists

8.1 The Electoral Registration Officer must compile a list of all absent voters including all the postal, proxy and postal proxy voters.

8.2 At a general election where the Electoral Registration Officer is not the (Acting) Returning Officer for a particular constituency, the Electoral Registration Officer should send details of the application to the (Acting) Returning Officer as soon as is practicable after the application has been granted.³³ Additionally, the Electoral Registration Officer is required to provide a copy of the absent voters lists to the (Acting) Returning Officer as soon as practicable after the sixth day before the poll.³⁴

Supply of absent voting lists to candidates and election agents

8.3 A copy of the absent voting list must be supplied to a candidate³⁵ or agent, free of charge, if they request it.³⁶ For a definition of candidate, refer to paragraph 3.2.

Inspection of absent voting records

8.4 The Electoral Registration Officer is required to make absent voting records available for public inspection.³⁷

8.5 As soon as practicable after the deadline for new absent vote applications has passed (six days before polling day) the absent voting lists are published and made available for public inspection³⁸ and at the same time should be

sent to any (Acting) Returning Officer for any part of the constituency for which the Electoral Registration Officer is not the (Acting) Returning Officer.



Please see the Commission's recent circular EC34/2004 – Absent voting lists and records for further information.
www.electoralcommission.org.uk/elections/eaextranet.cfm.

³³ Regulation 57 (6), RPR 2001

³⁴ Regulation 61 (3) (b), RPR 2001

³⁵ As defined in S118A, RPA 1983, and, for Scotland, in Regulation 3, RPR (Scotland) 2001

³⁶ Regulation 61 (1), RPR 2001

³⁷ Regulation 61 (2), RPR 2001

³⁸ Regulation 61 (3), RPR 2001

9 The issue and distribution of postal ballot packs

Royal Mail good practice guidance

9.1 Royal Mail has produced best practice guidance about postal voting. This includes protocols on all aspects of the postal voting process and working relationships with Royal Mail. It has been put together to address issues surrounding the increasing levels of postal voting and how to effectively manage the process. If (Acting) Returning Officers are planning to use Royal Mail to deliver postal votes, please refer to this guidance.

Role of the (Acting) Returning Officer

9.2 It is the decision of the (Acting) Returning Officer when the issue of postal votes should take place. It is also the responsibility of the (Acting) Returning Officer to appoint staff to issue the postal votes.

Persons entitled to be present

9.3 The only people entitled to be present at the issue of postal votes are the (Acting) Returning Officer and their staff.³⁹

Requirement for secrecy

9.4 The (Acting) Returning Officer must ensure that every person present who is present at the issue of postal votes is given a copy of the requirement for secrecy⁴⁰ that is outlined in Section 66 of the RPA 1983.



A copy of the notification of secrecy requirements is provided in section 13 – Resources.

Timing of the issue

9.5 Postal votes for existing postal voters and postal proxies cannot be despatched until after the deadline for changes to existing absent vote arrangements (11 days before the election). For people who apply after this time, postal votes are required to be issued as soon as practicable after the application has been granted.⁴¹



It is good practice to issue postal votes to all who have applied, including long term postal votes, as soon as practicable after the deadline for changes to be made to absent votes has passed (11 days before the close of poll). This allows a maximum amount of time for ballot papers to be dispatched and for the voter to return them.

9.6 It is a decision for the (Acting) Returning Officer as to whether applications allowed between the two deadlines for postal votes are issued on a daily basis or whether there is one large second issue once the deadline on the sixth day before poll has passed. This decision is likely to differ depending on local circumstances. Such factors that need to be taken into consideration when making the decision on when to issue are:

- the anticipated number of applications that need to be processed each day;
- the number of staff available to process the applications;
- the number of staff available to issue the ballot papers;
- the timing of printing of postal vote stationery; and
- the arrangements with printers if outsourcing the printing of postal vote stationery.

³⁹ Regulation 67, RPR 2001

⁴⁰ Regulation 70, RPR 2001

⁴¹ Regulation 71(2), RPR 2001

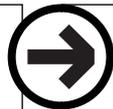


Managing large numbers of last minute postal vote applications

Electoral Registration Officers may need to consider increasing staffing levels, including using staff from outside agencies, to process applications if the numbers of applications coming into the office increase significantly between the two deadlines.

(Acting) Returning Officers may well need to consider additional staffing in order to ensure that all postal ballots are issued as soon as possible after the last deadline for applications.

It is vital to ensure that there are sufficient ballot papers, and the other required stationery to meet the demand of a possible late surge of applications.



See also Part B – Preparing for a UK Parliamentary general election, section 4 – Managing contractors and suppliers.

9.8 When deciding which method of printing of postal vote stationery to use, local factors should be considered. Such factors are:

If printing in-house

- How many postal votes will be issued?
- Will staff resources be available to oversee the printing of the stationery without impacting on the administration of the election?
- Is there sufficient printing facilities and stationery available?

If outsourcing production

- How many local authorities is the company printing stationery for? This may impact on whether they can cope with increased demand. The (Acting) Returning Officer will need to know where their order is in the company's schedule of work.
- Will the printer be able to manage to print large numbers of postal votes?
- Does the printer's stationery comply with legislation?
- Will the printer be able to manage an increased number of postal votes if numbers of applications increase unexpectedly, e.g. between the first deadline (11 days before the election) and second deadline (six days before the election)?
- Will they have enough envelopes available for example?
- Will they be able to print postal vote stationery at short notice considering a general election timetable has a short lead in time?

Preparation of postal vote stationery

9.7 There are two main methods of preparing postal vote stationery. Each has its own advantages and disadvantages:

In-house printing – Postal vote stationery is printed and prepared by electoral services staff or in-house printers.

Outsourced printing – Postal vote stationery is printed by external printing house. This method is used more frequently if a local authority is using a specifically designed style of postal vote stationery.



The stationery associated with postal voting is prescribed in regulations. In order to avoid any potential challenge to the postal voting process, the (Acting) Returning Officer must therefore be satisfied that the postal vote stationery used is lawful.

- Will they be able to guarantee secure data transfer and delivery of stationery?
- What quality control measures do they have in place?
- Can the (Acting) Returning Officer or staff visit the premises during production, if required?
- What previous relevant experience do they have?
- Can they provide suitable references?

Logistics

9.9 The issue of postal votes is a crucial part of the administration of the election. Although the levels of postal voting are increasing, the deadlines for receipt of applications and the times by which ballot papers need to be issued, remain the same.

9.10 These factors alone can create logistical difficulties for the timely and successful issue of postal votes. When combined with other factors such as difficulties recruiting staff, or large numbers of applications arriving very close to the deadline for receipt of applications, the issue of postal votes can become a logistical nightmare. This could potentially put the administration of the election at risk.

9.11 There are measures however that can be put in place to reduce the risk to the successful conduct of elections in terms of the production and issue of postal votes.

Production checks

9.12 During the production of ballots, the (Acting) Returning Officer should implement quality assurance procedures to monitor the supplier's performance throughout the printing process. It is advisable to have staff in attendance every day that the ballot packs are being printed and discussions to facilitate this should occur at the time the contract is negotiated.

9.13 The (Acting) Returning Officer should carry out frequent checks on the process. Where possible, it is suggested that the (Acting) Returning Officer or a senior member of their staff check the beginning and end of the print runs for each polling district for accuracy but, more importantly, random spot checks within polling districts should be carried out so that a representative cross section of wards are checked. Where the issue of postal ballots is outsourced, particular attention should be paid to checking that:

- the number of the postal ballot paper is correctly marked on the declaration of identity and ballot paper envelope that accompanies it;
- elector names and addresses are accurate;
- there is no bleeding of ink, and the print quality is acceptable;
- all details are printed accurately; and
- all required items are in the outgoing envelope.

9.14 Clear guidelines for handling checked ballots (including the reporting of errors and the generating of any replacements if required) should be agreed with the printer in advance. A record of each ballot checked should be kept.



Further information on managing contractors and suppliers can be found in Part B – Preparing for a UK Parliamentary general election, section 4.

Practical considerations when issuing postal ballots

9.15 It is advisable to plan a schedule for issuing postal votes, with some flexibility built in particularly in terms of resources for additional issuing should this become necessary.

Particular measures that can assist in the smooth running of the issuing process are as follows:

- Some stationery can be prepared in advance, e.g. consider overprinting of envelopes with the return address and constituency name, and the numbering and addressing of outgoing envelopes.
- Prepare boxes of equipment for each main issue. Include:
 - list of postal voters;
 - stamping instruments;
 - pens;
 - pencils;
 - bulldog clips;
 - paper clips;
 - rubber bands;
 - control sheet;
 - statement of postal votes issued; and
 - set of envelopes for the counterfoils of ballot papers issued.
- Talk through the postal vote issue process and have written instructions available for staff. Ensure sufficient supervision, particularly when using staff with little or no experience of issuing procedures.



A summary sheet with instructions for staff issuing postal ballot packs is available on eXtra and hard copies are available for (Acting) Returning Officers to order from Prolog.

- Instruct supervisors to carry out spot checks regularly during each issue of postal ballots to ensure that the correct details appear on the ballot stationery and that the correct stationery is in the outgoing envelope.

What the voter should receive

9.16 Each person who has applied for a postal vote should receive a **ballot paper** in the prescribed form.⁴²

9.17 A **declaration of identity** must be signed by the voter and a witness in order for the ballot paper to be valid. The declaration of identity should be in the prescribed format.⁴³ The declaration of identity also contains the prescribed instructions for how to vote by post.

9.18 'A' envelope – this envelope is prescribed in regulations.⁴⁴ The envelope should be marked with the letter 'A', the words 'ballot paper envelope' and the number of the ballot paper, or as the case may be, ballot papers.

9.19 'B' envelope – this envelope is also prescribed in regulations.⁴⁵ This envelope is for the return of the declaration of identity and envelope A and should be marked with the letter 'B' and the address of the (Acting) Returning Officer.

9.20 Instructions – as stated earlier the declaration of identity contains the prescribed instructions for voting by post and is required to be sent to the elector.

9.21 Outgoing envelope – this envelope, containing all of the above items, will be addressed to the elector at the address they have asked the ballot paper to be sent. See paragraphs 9.25-9.32 regarding postage.

⁴² Rule 24, RPA 1983

⁴³ In England the declaration of identity is prescribed in Form G under regulation 66 (a), Schedule 3, RPR (England and Wales) 2001

In Wales the declaration of identity is prescribed in Form 3 in Schedule 1 of the Representation of the People (Welsh Forms) Order 1989

In Scotland the declaration of identity is prescribed in Form G under Regulation 66 (a) Schedule 3, RPR (Scotland) 2001

⁴⁴ Regulation 74 (3), RPR 2001

⁴⁵ Regulation 74 (2), RPR 2001



Procedure for issuing postal votes⁴⁶

- each postal ballot paper issued must be stamped with the official mark – this mark must be different to the mark used on ballot papers issued at polling stations;
- the elector's number must be marked on the counterfoil attached to the ballot paper;
- a mark must be placed in the absent voters list to indicate that a ballot paper has been issued to an elector, without showing the particular ballot paper issued;
- the number of a postal ballot paper shall be marked on the declaration of identity sent with that ballot paper; and
- the address to which the ballot pack should be sent is the address shown in the absent voter list.

Record keeping

9.22 As the postal voters are issued with their ballot papers and envelopes, the absent voters list should be marked against the elector's name to denote that a ballot paper has been issued to the elector or their proxy.

9.23 The marked absent voter list and list of postal proxies are not sealed in the appropriate packet until the final issue of postal ballot papers has been completed.⁴⁷

9.24 Until this time precautions should be taken to ensure that the marked lists are kept in a secure place. Once the final issue of postal ballot papers is completed the packet containing the marked absent voters list should be sealed and stored in a secure place. Packets of the used counterfoils can be made up as soon as practicable after the issue of each batch of ballot papers and again should be stored securely.⁴⁸

⁴⁶ Regulation 72, RPR 2001 and Rule 20

⁴⁷ Regulation 75 (2), RPR 2001

⁴⁸ Regulation 75 (1), RPR 2001

Dispatch

9.25 The (Acting) Returning Officer has a choice of three means for the delivery of postal ballot papers:⁴⁹

- a universal service provider within the meaning of the Postal Services Act 2000 (Royal Mail is the only such provider at present);
- a commercial delivery firm; and
- staff appointed for the purposes of the election.

9.26 If using a universal service provider or a commercial delivery firm for the delivery of postal votes, the number of envelopes must be counted and a receipt signed by those collecting the envelopes must be handed over to the (Acting) Returning Officer.⁵⁰ Arrangements for collection of postal votes being issued should be made in advance with clear communication of the schedule for issuing.

9.27 If not delivering by hand, postage must have been pre-paid on the outgoing envelope, which have been addressed to the postal voter, and postage must be paid on the return envelope also, except where postal votes are being returned from outside the UK.⁵¹

9.28 Staff can also be appointed by the (Acting) Returning Officer to deliver the postal votes. Staff normally appointed to be canvassers may be suitable to deliver postal votes as they will be familiar with a particular area. Staff delivering postal votes may not be a suitable option in all types of area and this will be a judgement for the (Acting) Returning Officer based on local circumstances.

⁴⁹ Regulation 76, RPR 2001

⁵⁰ Regulation 76 (2), RPR 2001

⁵¹ Regulation 76 (4), RPR 2001

9.29 The (Acting) Returning Officer may wish to identify local, non-local and non-UK ballot paper addresses and separate them out at issue as they will require different delivery methods dependent on their type.

9.30 Postal votes to be delivered overseas – this is of particular relevance at a general election as overseas electors are able to vote.

9.32 Non-local delivery – it is not feasible for the (Acting) Returning Officer’s staff to deliver postal votes to areas that are not in the local area. Therefore all non-local postal votes will require outgoing postage and will need to be delivered by a universal service provider or commercial delivery firm.



If it is felt that it may not be realistic for a postal vote to be dispatched, reach the voter and be returned to the (Acting) Returning Officer before the close of poll, consideration should be given as to whether the elector should be advised to appoint a proxy as an alternative. It is of course, the choice of the elector as to which method of voting they prefer, but it is good practice to advise the elector of the circumstances surrounding their choice.

It is good practice to send postal votes that are to be delivered to overseas addresses via Air Mail as soon as possible after the eleventh day before the poll. The (Acting) Returning Officer will probably need to liaise with Royal Mail about the higher cost of postage for sending items overseas via Air Mail. Return postage is not required to be included on the return envelope.

9.31 Local delivery – if postal votes being sent to local addresses are to be delivered by a universal service provider or commercial delivery firm, outgoing postage will be required. Clearly, if the (Acting) Returning Officer’s staff are delivering postal votes no outgoing postage will be required, but there will be a cost in staff fees and time. However, postage must be pre-paid on the B envelope.

10 Replacement postal votes

Replacement of spoilt ballot papers

10.1 If a person spoils their postal ballot paper it is possible to have a replacement paper if the voter follows the procedure below.

10.2 The spoilt ballot paper and the declaration of identity are to be returned to the (Acting) Returning Officer.⁵²

10.3 The returned spoilt ballot paper and declaration of identity have to be cancelled. These documents should be sealed in a packet for spoilt postal ballot papers. A new ballot pack (ballot paper, declaration of identity and relevant envelopes) should be made up and dispatched to the elector unless the elector applies in person in which case the new ballot pack can be handed to them.⁵³

10.4 This must take place by the 5pm deadline on the day before polling day. The details of the returned spoilt ballot paper should be added to the list of spoilt postal ballot papers. This is an official document which records specified details where replacement papers have been issued.⁵⁴

Replacement of lost ballot papers

10.5 If the voter has not received a postal ballot paper it is possible for a replacement ballot paper to be issued if the voter follows the procedure below. This does not apply if the voter received their postal vote but subsequently lost it themselves.

10.6 A voter can apply for a replacement paper between the fourth day before polling day and 5pm on the day before polling day in England

and Wales.⁵⁵ In Scotland, the voter can make this application between the third day before polling day and 5pm on the day before polling day.⁵⁶ The application must include details of the voter's identity.

10.7 The (Acting) Returning Officer must be 'satisfied' as to the voter's identity and have no reason to doubt that the postal voter did not receive the original ballot paper. The (Acting) Returning Officer will take their own view as to what they require in the way of identification in order to be satisfied as to the voter's identity.

10.8 A list of lost postal ballot papers is required to be completed by the (Acting) Returning Officer to show details where replacements have been issued.

Proof of identity

10.9 The (Acting) Returning Officer will wish to balance the effort required to satisfy themselves about an elector's identity with the proper administration of the election process. In seeking proof of identity, the (Acting) Returning Officer will bear in mind that no proof of identity is required for registration or to vote in person at a polling station. A balanced approach should be adopted that seeks to use some proof of identity that can be easily verified by election staff but which is not too onerous on the elector.

10.10 It is common practice for voters to contact the elections office by telephone to enquire about a replacement ballot paper when their postal ballot has failed to arrive. This is when election staff should advise about the procedure and what, if any, proof of identity will need to be produced before a replacement ballot paper is issued.

⁵² Regulation 77 (1), RPR 2001

⁵³ Regulation 77 (5), (6) and (7) RPR 2001

⁵⁴ Regulation 77 (8), RPR 2001

⁵⁵ Regulation 78, RPR 2001

⁵⁶ Regulation 78, RPR (Scotland) 2001

10.11 The (Acting) Returning Officer may wish to be guided by the following in preparing an appropriate procedure for satisfying themselves as to the identity of an elector requesting a replacement ballot paper:

10.12 Recommendation 1 – One primary proof of identity should be provided for the issue of a replacement postal ballot paper. This should be an official document that includes a photograph of the elector together with the elector's name. The two most secure examples are:

- full valid current passport; and
- photocard driving licence.

Other documents may be acceptable as a primary proof, as long as they have a sealed photograph. These may include:

- local bus pass;
- student card issued by a recognised higher education body; and
- identity card issued by a recognised local employer.

Some electors may have a good reason for being unable to produce one of these proofs of identity, e.g. those with a cultural reason that precludes photographic images. In these circumstances it is recommended that two examples drawn from the list of secondary proofs of identity should be provided.

10.13 Recommendation 2 – If the (Acting) Returning Officer is still in any doubt about the identity of an elector requesting a replacement postal ballot paper, a secondary proof of identity could be sought. Secondary proofs of identity are much less secure than primary ones. Two secondary proofs of identity may be requested if the elector cannot produce a primary proof. Secondary proofs of identity may include:

- full driving licence (without photograph);
- council tax payment book or recent council tax bill;
- council or social landlord rent book;
- recent rent receipts or tenancy agreement;
- allowance/benefits/pension book issued by Department for Work and Pensions;
- cheque book/cheque card/National Savings book;
- recent bank/building society statement (not store card statement);
- recent utility bill (two different ones are preferred – not mobile phone);
- P45;
- correspondence from a government department;
- identity card issued by member state of European Union/EEA, travel documents issued by the Home Office, Certificate of Naturalisation or Registration;
- letter (attested statement) from a responsible person such as solicitor, doctor, minister of religion, teacher, hostel manager, social worker, district nurse, midwife or 'other' responsible person which says they know the elector and confirms their name and address. Some (Acting) Returning Officers might include the elector's landlord or tenant in this category and possibly stipulate that they must be on the register; and
- National Health Service medical or National Insurance card; birth/adoption/marriage/divorce/deed poll or statutory declaration certificates (these are not considered very secure and should preferably be ones issued within six months of the event rather than replacements).

10.14 The following may also be worth considering:

- for added security, **originals**, not photocopies, of the proof of identity must be produced;
- the evidence provided by the voter should show a clear link between the name on the identifying document and current entry on the electoral register;
- birth certificates are not absolute proof of identity and so the voter may be asked to provide additional evidence to allow their identity to be checked;
- where utility bills or bank/building society statements are provided, it would be safer to ask for more than one, or at least the most recent (within the last three months);
- cheque, bank or credit cards should be checked against the voter's signature;
- before an attestation is sought, the voter should be advised that some signatories may charge a fee for the service; and
- the (Acting) Returning Officer should state that proofs of identity will not be retained and that the documents will be treated confidentially.

11 Receipt, opening and storage of postal votes

Receipt of postal votes

11.1 A postal ballot paper or a declaration of identity may be returned separately to the (Acting) Returning Officer by post or by hand to their offices or by hand only to any polling station in the constituency, before the close of poll.



(Acting) Returning Officers may wish to use the Royal Mail final 'sweeps' arrangement and have postal ballots delivered to them at the count venue.

It is our view that the requirement is for the postal ballot to reach the (Acting) Returning Officer in order to be counted, and that any ballots so delivered must be received before the close of poll.⁵⁷

11.2 The postal ballot paper and/or the declaration of identity do not have to be returned in the covering envelope issued to the voter – the voter may use their own envelope.

11.3 Once the (Acting) Returning Officer receives postal ballot papers they should be secured in a 'postal ballot box'. This box should be stored in a secure place until the opening of postal ballot papers.

Persons present at opening

11.4 Candidates, election agents and agents appointed specifically for the purpose are entitled to attend these.

Notification of time of opening

11.5 Forty-eight hours notice of the opening must be given by the (Acting) Returning Officer to each candidate, and it should specify the time and place of the opening, and the number

of agents a candidate may appoint to attend each opening.⁵⁸

Notification of requirement of secrecy

11.6 The (Acting) Returning Officer is to ensure that every person who attends the proceedings associated with the issue and receipt of postal votes is given a copy of Section 66(4) and (6) of the RPA 1983.⁵⁹ A template copy of this section of the RPA 1983 is supplied at the end of this section.

Postal ballot box

11.7 A postal ballot box, or boxes, should be provided at the opening. The box(es) will be used to store the valid postal ballot papers from each opening. The postal ballot box(es) should be sealed and stored securely until the count.

Opening of postal vote covering envelopes



The Commission has produced a quick guide to receipt and opening of postal ballots. This is available on eXtra, with hard copies which (Acting) Returning Officers can order from Prolog.

11.8 When the postal ballot box is opened, the first step is for the (Acting) Returning Officer's staff to count and record the number of covering envelopes.⁶⁰

11.9 This **does not** refer to the production of a marked register of postal votes received by the (Acting) Returning Officer, but purely a record of the **number** of postal votes required.

⁵⁸ Regulation 80, RPR 2001

⁵⁹ Regulation 70, RPR 2001

⁶⁰ Regulation 84 (1), RPR 2001

⁵⁷ Election rule 45 (1B) (b)



Although there was provision in the 2004 pilot orders to produce lists of returned postal votes, **there is no provision in current electoral law to produce or supply a list of postal votes which have been returned by voters**, nor to make such a list available for public inspection.

11.10 Each covering envelope is then opened.⁶¹

- If it contains a declaration of identity and either a ballot paper envelope or ballot paper without the envelope, it should be handled as in paragraph 11.12.
- If no declaration of identity is visible, but there is a ballot paper envelope, the envelope should be opened to see whether or not the declaration of identity is inside. If it is, it can again be handled as in paragraph 11.12.
- If the covering envelope does not contain both a declaration of identity and either a ballot paper envelope or ballot paper, the contents should be returned to the envelope, which should be marked 'provisionally rejected' and placed in the receptacle for rejected votes. (There is no receptacle for provisionally rejected votes).

Checking the postal ballot declaration of identity

11.11 The declaration of identity should be checked for validity. It should have:

- a signature in the space provided for the voter to sign;
- a signature in the space provided for the witness to sign; and
- the witness' name (except in Scotland) and address.⁶²

⁶¹ Regulation 84 (1), RPR 2001

⁶² Regulation 85 (1), RPR 2001

If the declaration of identity is not valid, the declaration, attached to the relevant ballot paper or ballot paper envelope, should be endorsed 'rejected' and placed in the receptacle for rejected votes.⁶³ If any agent objects to this decision, 'rejection objected to' should be added.⁶⁴

11.12 If the declaration of identity is valid and is accompanied by:

- a ballot paper envelope, the number on the declaration should be compared with the number on the ballot paper envelope:⁶⁵
 - if they match, each should be placed in the appropriate receptacle (that is, those for declarations of identity and for ballot paper envelopes);⁶⁶
 - if they do not match, the ballot paper envelope is opened and any ballot paper dealt with as follows;⁶⁷
- a ballot paper (either because the voter sent no envelope or because the envelope has been opened), the number on the declaration should be compared with the number on the ballot paper:
 - if they match, they should be placed, respectively, in the receptacle for declarations of identity and the postal ballot box;⁶⁸ and
 - if they do not match, the ballot paper with its declaration of identity attached shall be marked 'provisionally rejected' and placed in the receptacle for rejected votes.⁶⁹

⁶³ Regulation 85 (2), RPR 2001

⁶⁴ Regulation 85 (3), RPR 2001

⁶⁵ Regulation 85 (4), RPR 2001

⁶⁶ Regulation 85 (4), RPR 2001

⁶⁷ Regulation 85 (5), RPR 2001

⁶⁸ Regulation 85 (7) (a), RPR 2001

⁶⁹ Regulation 85 (7) (b), RPR 2001

11.13 If a covering envelope contains a declaration of identity, but no related ballot paper or ballot paper envelope, that too must be marked 'provisionally rejected' and placed in the receptacle for rejected votes.⁷⁰

Opening the postal ballot paper envelopes

11.14 Finally, the remaining ballot paper envelopes are opened and their contents dealt with:

- ballot papers whose numbers match with that on the envelope go in the postal ballot box;⁷¹
- ballot papers whose numbers do not match with that on the envelope should be attached to their envelope, marked 'provisionally rejected' and put in the receptacle for rejected votes;⁷² and
- any ballot paper envelope which does not contain a ballot paper should be marked 'provisionally rejected' and put in the receptacle for rejected ballot paper envelopes.⁷³

Verification of postal ballot papers

11.15 There is often some debate, particularly amongst political parties about which way ballot papers should be placed when the ballot paper envelope A is opened. The law does not provide clear direction on this matter.

 It is good practice that during the opening of **postal ballots**, the ballot papers should always remain **face down** to prevent anyone seeing or trying to discern voting trends before the close of poll.



This is distinct from the requirement regarding the count⁷⁴ to keep the ballot papers **face up** while counting and recording the number of ballot papers and counting the votes.

11.16 Whichever way the ballot papers are placed, anyone attending the opening of postal votes is not permitted to reveal any information obtained at the opening and must maintain the secrecy of voting.⁷⁵ Anyone attending should be reminded of this requirement and of the penalty, on summary conviction, either to a fine of £5,000 or six months imprisonment.⁷⁶

Matching up separated documents

11.17 At the end of the opening two separate lists of rejected postal ballot papers must be kept:⁷⁷

- a list of ballot paper numbers for papers received without valid declarations of identity; and
- a list of ballot paper numbers for declarations of identity received without ballot papers.

These lists must be taken to the count to match any ballot papers/declarations of identity that may have been handed in at polling stations.

11.18 At any time before the close of poll the (Acting) Returning Officer may check these two lists and if the missing declaration of identity or ballot paper is delivered to the office, the list must be amended accordingly. The provisionally rejected ballot paper then becomes a valid vote to be included in the count and should be placed in the correct ballot box and the declaration of identity placed in the appropriate envelope.

70 Regulation 85 (7) (c), RPR 2001

71 Regulation 86 (2) (a), RPR 2001

72 Regulation 86 (2) (b), RPR 2001

73 Regulation 86 (2) (c), RPR 2001

74 Election rule 45 (4)

75 S 66 (4), Schedule 1, RPA 1983

76 S 66 (6), Schedule 1, RPA 1983

77 Regulation 87, RPR 2001

12 Postal votes to be included in the count

Receipt of postal ballot papers delivered to polling stations

12.1 Postal ballot papers and/or declarations of identity that have been delivered to polling stations should be delivered to the (Acting) Returning Officer in the envelopes allocated for the purpose at the same time as delivery of the ballot box and other packets.

Opening and verification of postal ballot papers that have been delivered to polling stations

12.2 These postal ballot papers, which have been delivered to polling stations, must be opened, and their declarations of identity must be checked before they can be added to the count.

12.3 It is almost impossible to determine how many postal votes will be handed in at polling stations that then need to be passed to the count. However, provisions can be put in place to speed up the receipt and opening of postal votes at the count so that if a large number of postal votes are handed in at polling stations, the opening and verification process of these postal votes does not slow down the whole count.

12.4 Good practice points for managing this process are as follows:

- The packet/envelope containing postal votes from polling stations should be handed in separately from other packets at ballot box reception. This will allow the postal votes to be sent immediately for opening, rather than having to search around for them.

- Have a dedicated team comprising an experienced supervisor and staff to open postal votes at the count. These staff could be trained in the opening process.
- Have a contingency of staff available to move onto opening postal votes if the number coming in to the count from polling stations is more than expected.
- Complete the matching process. All provisionally rejected ballot papers and declarations of identity should be taken to the count.



See also Part G – Verification and count.

12.5 Verified postal ballot papers must be mixed with at least one ballot box of ballot papers from a polling station before they can be counted. They must not be counted separately.

13 Resources



NOTIFICATION OF SECRECY REQUIREMENTS Representation of the People Act 1983, Section 66

- (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 purposes 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.
- (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.

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

1 In order to meet the statutory deadlines and ensure that all ballot papers are sent to the correct address it is vital that all application forms are checked in detail and any questions are referred to your supervisor. Please do not assume anything.

2 On receipt, all application forms should be date stamped and have the time of receipt added, if this is critical (i.e. 11 days before poll and six days before poll).

3 Check that the elector is included in the register at the address shown on the form. If shown, the electoral letters and numbers can be written on the form straight away. If not shown on the register, it is possible that the 'ballot paper address' shown in a different part of the form is actually the elector's qualifying address. Check, and if this is the case, accept the form. Good practice is to accept the form, since to reject it simply because the address is in the wrong place on the form, would be an unnecessarily sharp application of the regulations.

4 If the elector's surname differs from that shown in the register, but the forenames are the same, it is most likely that the surname has changed since the register was revised (either by marriage or deed poll). Good practice is to make a telephone call to the applicant to verify the change of name, and note the result of the call on the application form. If unable to contact by telephone, then contact by letter.

5 If the elector's forenames are shown only by initials, and not in full, this should be checked with the elector by telephone. Again, the result of the call should be noted on the application form. If unable to contact by telephone, then contact by letter.

6 If the application is for a proxy vote, check for the reason and attestation if required. If it is either not attested or not properly attested, then it must be rejected. Inform by letter.

7 Check the 'ballot paper address.' Although ballot papers can be sent abroad, the elector has little or no understanding of the timescale regarding the printing and issue of postal votes. Good practice would suggest a telephone call to confirm their understanding that there cannot be a guarantee that their ballot papers would reach a foreign destination in time to be completed and returned by polling day. This may convince them to appoint a proxy and save angry telephone calls on polling day.

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

9 Check that the details of the proxy (if applicable) are properly and clearly completed, and that the proxy has indicated assent to being appointed as proxy, by signing and dating the appropriate boxes. Note that it is acceptable for the elector to complete these boxes.

10 Occasionally, application forms are received showing both a ballot paper address and the name and address of a proxy, including the proxy's assent. This usually results from the elector failing to understand the difference between a postal and a proxy vote, and simply filling in all the boxes.

Very occasionally, this 'double entry' can be the elector's way of telling the Electoral Registration Officer that the proxy wishes to vote by post. Forms completed in this way must always be referred to your supervisor, who will make contact with the elector by telephone or letter and take the appropriate action dependent upon the information received.

11 Forms that are not signed and/or dated must be returned to the elector. Inform by letter.

12 Check that the elector has ticked the box for the current election, if not, this should be checked with the elector by telephone. Again, the result of the call should be noted on the application form. If unable to contact by telephone, then contact by letter.

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

- (a) those forms which have queries not capable of resolution by telephone;
- (b) those forms which are applications for a postal vote for an indefinite/definite period;
- (c) those forms which are applications for a proxy vote for an indefinite/definite period; and
- (d) those forms which are either postal or proxy vote applications for a particular election.

14 Taking each pile in turn, either enter them into the computer system and generate the appropriate letter as necessary.

15 The letters relating to applications in category 13 (a) above must be processed first, and the letters posted by first class post that day.

16 Where a proxy vote application has been allowed, you must inform the elector by letter and send the separate notice to the proxy.

17 File the forms in category 13 (a) on the queries file in polling district/alphabetical surname order.

18 File the forms in category 13 (b) and (c) in the appropriate polling district folder in order of electoral number.

19 File the forms in category 13 (d) in the temporary file in polling district/alphabetical surname order.

20 Forms for a particular election received after the closing date/time must be refused. Those for an indefinite/definite period can be accepted for future elections. Inform by letter.

21 The aim is to complete processing of all forms within the working day on which they are received, and the supervisor will give instructions for the allocation of work among staff in order to achieve this.

22 Once the eleven-day deadline has passed postal ballot papers may be issued on a daily basis so a daily deadline may be in place in order for all application forms to be entered into the computer system and checked by midday. This will enable the paperwork to be completed and ballot papers to be issued in time for the afternoon post.

Part D – Absent voting

Contents

- 1 Integrity issues and personal identifiers
- 2 Absent voting timetable and information
- 3 Applications
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- 5 Postal voting
- 6 Absent voting records and lists
- 7 The issue and distribution of postal ballot packs
- 8 Replacement postal votes
- 9 Receipt, opening and storage of postal votes
- 10 Postal votes to be included in the count
- 11 Resources

1 Integrity issues and personal identifiers

1.1 Postal voting has attracted considerable media and public attention both in terms of the management of the process and more particularly in terms of integrity issues. Effective planning and preparation are essential in ensuring the success of this part of the administration of the election.



Part B provides a project management approach to delivering the election and includes advice on effective procurement and contract management.

Integrity

1.2 With regard to integrity issues, Electoral Registration Officers and Returning Officers are uniquely placed to identify incidents and patterns of activity that might indicate fraud. The Electoral Administration Act (EAA) 2006 and amendment regulations, which are mirrored in the National Assembly for Wales (Representation of the People) Order (NAW (RoP) Order) 2007, have introduced further checks into the process and these are outlined below.



Summary of integrity provisions:

- Collection and verification of personal identifiers for absent voting
- Ability to check signatures on applications with any other signatures or dates of birth held by the Electoral Registration Officer, or by the authority in records which the Electoral Registration Officer is authorised to inspect¹ for the purposes of their registration duties

- Requirement for a reason to be given if a voter wants their postal vote sent to an address other than the address at which they are registered
- Requirement for all postal voting applications to be acknowledged
- Increase in the length of time available for the police to carry out investigations into electoral fraud
- Introduction of a new offence – where an individual applies for a postal or proxy vote as some other person, otherwise makes a false statement in connection with an application for a postal or proxy vote, induces an Electoral Registration Officer or Returning Officer to send a postal vote or associated communication to an address which has not been agreed by the person entitled to vote, or causes a postal or proxy voting communication not to be delivered to the intended recipient²
- A new procedure for voters attending polling stations and who claim not to have applied for a postal vote to be offered a tendered ballot paper
- A new procedure for voters attending polling stations who have lost or not received their postal ballot papers to be offered a tendered vote after 5pm on polling day
- A new procedure for a voter to confirm with the Returning Officer that their postal vote has been received
- The production of a marked postal voters list, available for inspection after the election

¹ Regulation 35(2)(a), Representation of the People Regulations (RPR) 2001 as amended by RPR (Amendment) 2006.

² Article 14, NAW (RoP) Order 2007.

1.3 Following the result of the judgment in the two Birmingham 2004 local election petitions, the Electoral Commission identified a number of practice implications for the management of the postal voting process in Great Britain, including receipt and opening and management of postal votes at the count. Guidance is given in the relevant sections.

1.4 The Birmingham judgment³ makes it clear that it is not the Electoral Registration Officer's or Returning Officer's role to investigate possible fraud.

'The Returning Officer has no duty to investigate electoral offences and no resources to do so either. More to the point ... the Returning Officer has no power to investigate.' (Paragraph 139 of the judgment)

1.5 This is reaffirmed at paragraphs 142 (including some Electoral Registration Officer functions) and 143 of the judgment. It is important to make a distinction between the powers and duties to check identifiers and 'investigation', which could be taken to include formally interviewing people and taking statements. Such formal investigations are a matter for the police.

1.6 This being the case, if any Electoral Registration Officer or Returning Officer has concerns about fraudulent applications, or suspicions of fraudulent activity arising from the checks during the opening process, or receives any allegations about possible absent voting fraud, these should be reported to the police for further investigation. Early liaison with the police single point of contact (SPOC) during the planning process should highlight when these

processes are to take place and agree actions to be taken should any suspicions arise.

Collection of personal identifiers

1.7 Along with a record of all voters who have applied to vote by post or by proxy, Electoral Registration Officers are now required to maintain a record of their names, signatures and dates of birth. Where an applicant is unable to provide a signature, they must provide reasons with their application for their request to waive the signature requirement along with the name and address of any person who has assisted them with the completion of the application. The Electoral Registration Officer must then keep a record of the waiver.⁴

1.8 The collection of personal identifiers in 2007 will need careful planning. The NAW (RoP) Order 2007 sets out the procedures to be followed in collecting the identifiers for the first time.

1.9 By 7 February 2007, Electoral Registration Officers must send a notice to all postal, proxy and postal proxy voters who have an entry on the absent voting record on 1 February 2007 requiring them to supply a specimen of their signature and their date of birth within 42 calendar days of the date of the notice. The Electoral Registration Officer is required to enclose a pre-paid postage reply envelope with every request made to a UK-based absent voter.⁵

1.10 Along with the notice, the Electoral Registration Officer must also provide information explaining:

- how the required personal identifiers will be used and how the personal identifiers will

³ see www.hmcourts-service.gov.uk/cms/2384.htm

⁴ Paragraph 2, Schedule 1, NAW (RoP) Order 2007.

⁵ Paragraph 1, Schedule 2, NAW (RoP) Order 2007.

assist in deterring misuse of the entitlement to vote

- that failure or refusal to provide the required identifiers will result in the cancellation of the absent voting facility, although such a failure or refusal will not prevent the person re-applying for an absent vote at a later date
- the circumstances in which the signature requirement may be dispensed with
- the details of the absent voting arrangements in place and the types of elections the absent voter would cease to be entitled to vote in as an absent voter should they fail to provide the required identifiers
- the date from which the absent voter will cease to be registered as such should they fail to provide the required identifiers, which shall not be less than 49 calendar days from the date of the initial notice

1.11 Where an absent voter fails to respond to the initial notice within 21 calendar days of its issue, the Electoral Registration Officer is required to send a second copy, which must contain all the information listed above, and enclose a pre-paid postage reply envelope to UK-based absent voters.⁶

1.12 Where no response is received to either the first or second notices within 49 calendar days of the issue of the original notice, or the Electoral Registration Officer determines that there has been a refusal or failure to provide the required identifiers, the absent voter should be removed from the absent voting record and notified in writing accordingly. In the notice, information must be included:

- explaining the effect of the removal from the absent voting record
- reminding the voter that they may make a fresh application – it is suggested that an application form be included with the notice to facilitate this process
- informing the voter of the location of the polling station allotted to them⁷



This is a major administrative process that will need to be factored in to the planning process at an early stage. Careful consideration will be needed about whether the process should be outsourced and, if so, steps taken to identify a suitable supplier.

1.13 By 31 January each year, the Electoral Registration Officer must send a notice requiring the submission of a replacement signature from every absent voter whose personal identifiers record is more than five years old. Failure or refusal to provide a fresh signature will, by following a procedure similar to that described above, ultimately result in the voter being removed from the record of absent voters.⁸

1.14 Administrators should not forget that after 1 January 2007, every absent voting application must include the applicant's signature and date of birth to be valid.⁹

⁶ Paragraph 3, Schedule 2, NAW (RoP) Order 2007.

⁷ Paragraph 4, Schedule 2, NAW (RoP) Order 2007.

⁸ Paragraph 12, Schedule 1, NAW (RoP) Order 2007.

⁹ Paragraph 4(3), Schedule 2, NAW (RoP) Order 2007.

Postal voting and houses in multiple occupation

1.15 There is a perception that electoral fraud can be more easily perpetuated in houses of multiple occupation (HMOs). For example, it is believed that residents in nursing homes, care homes and other sheltered accommodation who rely on carers for assistance might be unduly influenced or have their vote stolen. There is also potential for postal votes to be intercepted and used fraudulently in any property where residents do not have a secure mailbox, such as in student accommodation or bedsits.

1.16 Some Returning Officers have recognised that visiting domiciliary and care staff may be asked to assist with postal ballots, and that each will have access to numerous voters. There may therefore be some benefit, if only for the avoidance of doubt, in offering advice to such care staff in advance of the election as to the response they should give if approached by such voters. In particular, it should be made clear that a power of attorney does not apply to someone to vote on behalf of that person.

1.17 If there is a doubt that the postal ballots will not be correctly delivered, Returning Officers could arrange to deliver postal ballot papers to HMOs by hand, and could attempt to identify a responsible person to distribute the envelopes within the property.

1.18 There may be some added benefit in communicating the postal voting process in advance of the election and, in particular, deterring fraud by emphasising:

- that the voter's vote should be their own
- the need for secrecy when voting

- the Returning Officer's willingness to refer any suspicious application or ballot to the police for investigation
- the penalties that may be applied

2 Absent voting timetable and information

2.1 This purpose of this section is to provide the timetable of events for absent voting, and to provide some advice on communicating the absent voting process.

Timetable for absent voting

2.2 Deadlines for absent voting applications are statutory.¹⁰

2.3 When calculating the deadlines for the elections, disregard the following days (officially called *dies non*):

- Saturday
- Sunday
- Good Friday
- any other bank holiday

2.4 It is worth noting that Maundy Thursday has been removed from the list of *dies non* and should, therefore, now be included in the calculation of electoral timetables as a normal working day.

2.5 The deadline for changes to **existing** postal, proxy and postal proxy applications is **5pm 11 days before the date of the poll**.¹¹

2.6 The deadline for **new** postal and postal proxy applications is also **5pm 11 days before the date of the poll**.

2.7 The deadline for **new** proxy applications is **5pm six days before the date of the poll**.¹²

2.8 There is also a provision which allows a proxy to be appointed in the case of a medical condition, illness or disability arising after the

sixth day before close of poll subject to the appropriate attestation being provided. The closing date for this is **5pm on polling day**.¹³

2.9 There is also provision for mental health patients who are detained under civil powers to appoint a proxy after 5pm on the sixth day before the date of the poll, and up until 5pm on polling day.

2.10 These deadlines should be clearly communicated to voters, candidates and agents.

Postal and postal proxy voter poll cards

2.11 The Returning Officer is now required to send a poll card to all postal voters and postal proxy voters in their area as soon as practicable after the publication of the notices of election.

2.12 Postal and postal proxy voter poll cards are required to be in the format prescribed in the NAW (RoP) Order 2007 or a form to like effect and must contain the following information:

- the name of the constituency and the electoral region to which assembly members are being elected
- the voter's name, qualifying address and number on the register
- the date and hours of the poll
- confirmation that the voter or proxy will receive their ballot paper by post, with an indication as to when they are likely to be sent out, and information on how the voter may arrange to cancel their postal or postal proxy vote

¹⁰ Paragraph 7, Schedule 1, NAW (RoP) Order 2007.

¹¹ Paragraph 7(1), Schedule 1, NAW (RoP) Order 2007.

¹² Paragraph 7(2), Schedule 1, NAW (RoP) Order 2007.

¹³ Paragraph 7(3), Schedule 1, NAW (RoP) Order 2007.

- such other information, not relating to any candidate or registered political party, as the Returning Officer considers appropriate



For further information on the production and distribution of poll cards, please refer to Part C – Action before the poll.



Communicating the postal voting process

In addition to the information required on the new poll cards outlined above, many Electoral Registration Officers already provide information about the absent voting process either with application forms or at council locations and websites.

In such cases, it is good practice to communicate clearly the deadlines for the receipt of postal and proxy applications, including making changes to an existing arrangement, and the date on which the ballot papers will be sent out. This information may assist voters in deciding whether postal voting will be an appropriate way for them to choose to cast their vote.

The Commission has produced a pictorial leaflet to assist voters in understanding how to complete and return their postal ballot. These leaflets can be ordered from the Commission's warehouse.

Communicating the postal voting process

2.13 It is good practice for any promotional material about postal voting to provide information on the **postal voting process**.

2.14 Returning Officers can now issue to postal voters information they think appropriate about how to obtain guidance in other formats, such as translations into languages other than English, Welsh, Braille, graphical representations and audio.¹⁴

Confirming receipt of postal voting statements

2.15 With the introduction of a marked postal voters list, which is produced by marking the return of the postal voting statement, there is a new facility for the Returning Officer to confirm to a postal voter whether or not their postal vote has been marked as received back by the Returning Officer.¹⁵

¹⁴ Rule 33(4), Schedule 5, NAW (RoP) Order 2007.

¹⁵ Paragraph 21, Schedule 3, NAW (RoP) Order 2007.

2.16 It is important to note that this new regulation also includes a provision for the Returning Officer to confirm whether the number of the ballot paper issued to the voter or their (postal) proxy has been recorded on either of the two lists that must be kept and used for matching up documents where either the postal voting statement or the ballot paper has been received without the other.

2.17 Where a request for such confirmation is received, Returning Officers must 'satisfy' themselves that the request has been made by the voter or their proxy before providing the confirmation. The regulation does not specify how requests are to be made or received and many requests may be made by telephone in the first instance. It will be for the Returning Officer to determine how they are satisfied in any particular case.

3 Applications

Content and supply of forms

3.1 There is no prescribed form for applying for an absent vote. However, forms are produced by a number of organisations and statutory bodies including the Electoral Commission, Electoral Registration Officers and political parties. The design of these forms is now crucial given that they have to facilitate the provision and data capture of personal identifiers. It is also essential that Electoral Registration Officers consider how they will capture this additional information from forms produced by others and from any applications that are not provided on a specific form.

3.2 The provisions of the Welsh Language Act 1993 place a responsibility on Returning Officers to provide bilingual election material to voters in Wales. This ensures that the English and Welsh languages are treated equally, and offers voters a choice of language. The effective formatting and design of bilingual provision can prove challenging, but best practice guidance is available at www.bwrdd-yr-iaith.org.uk

3.3 There are a number of pieces of information that must be included on an absent vote application by law.¹⁶ In normal circumstances, the application must be made in writing, dated and include the following information:

- the full name of the applicant
- the address where the applicant is registered to vote
- the applicant's signature
- the applicant's date of birth

- whether the application is for an indefinite period or a particular period (which must then be specified)
- whether it is for European/UK Parliamentary elections, local government/National Assembly for Wales elections or all elections
- in the case of a postal vote application, the address where the ballot paper(s) should be sent
- in the case of an application for a proxy vote, the full name and address of the proxy
- in the case of an application for a proxy vote, the grounds on which the applicant claims to be entitled to a proxy vote

3.4 Where an applicant is unable to provide a signature, they must provide reasons with their application for their request to waive the signature requirement along with the name and address of any person who has assisted them with the completion of the application.¹⁷

3.5 Although there is no prescribed form for applying for an absent vote, the NAW (RoP) Order 2007 provides that the Electoral Registration Officer **may** require that the personal identifiers (signature and date of birth) on the application be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into his record by configuring the information as follows:¹⁸

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

¹⁶ Paragraph 1, Schedule 1, NAW (RoP) Order 2007.

¹⁷ Paragraph 1(1)(f), Schedule 1, NAW (RoP) Order 2007.

¹⁸ Paragraph 1(3), Schedule 1, NAW (RoP) Order 2007.

This provision is limited to requiring the information be configured in the above two ways. It does not mean that Electoral Registration Officers can impose any other conditions on the way the information is configured, even if to do so would make it easier to scan. Equally, as it is a power rather than a duty, it allows the Electoral Registration Officer to accept an application where the signature and date of birth is not configured as above. Electoral Registration Officers should ensure they exercise their discretion consistently. Wherever possible, it is recommended that they attempt to accept such an application if it is otherwise valid in all respects.

3.6 The location of the signature and date of birth on an application is not prescribed. If the signature and date of birth are set out (wherever that may be on the form) so as to meet the requirements in paragraph 3.5 (a) and (b), they must be deemed to be sufficiently clear and unambiguous as to be capable of being electronically scanned, and will therefore be in accordance with the regulations. So as to avoid unnecessary problems in the run-up to the election, Electoral Registration Officers might find it helpful to liaise with the local political parties to ensure that they are aware of the requirements in respect of the manner in which the applicant's signature and date of birth are to be set out and, if necessary, to provide them with a suitable template copy for any applications that they may issue. It might be worthwhile stressing to local political agents that applications could be refused if the signature and date of birth are not configured as laid down in the regulations.

3.7 In addition to the new requirement to provide a date of birth, a number of other changes have been introduced in the last couple of years with regard to absent vote applications. These include:

- The Electoral Registration Officer may check the signature and date of birth on an absent voting application form against any other signature for that voter that they may hold, the local authority by which they were appointed may hold or the Returning Officer may hold.¹⁹
- If a voter requests that their ballot paper be sent to a different address than the one they are registered for, then they must supply a reason as to why they want their ballot paper sent to this alternative address.²⁰
- All applications must be acknowledged by the Electoral Registration Officer.²¹
- Deadlines for certain applications have now changed. The deadline for applications for new postal votes and amendments to existing postal and proxy votes is 5pm on the eleventh day (excluding *dies non*) before the poll. The deadline for new proxy votes is 5pm on the sixth day (excluding *dies non*) before the poll.²²
- There is provision for appointing a proxy on the grounds of a medical emergency, and for mental health patients detained under civil powers, after the sixth day before the day of poll up until 5pm on polling day.²³
- The Form K 'statement as to postal ballot papers' must now be completed at local

19 Regulation 51A, RPR 2001.

20 Paragraph 1(7)(a), Schedule 1, NAW (RoP) Order 2007.

21 Paragraph 17, Schedule 1, NAW (RoP) Order 2007.

22 Paragraph 7(1), Schedule 1, NAW (RoP) Order 2007.

23 Paragraph 7(3), Schedule 1, NAW (RoP) Order 2007.

government elections and a copy forwarded to the Commission and the Secretary of State between 10 and 15 days after polling day.

Further details on these changes are given in the relevant section of this guidance.

3.8 An application for an absent vote does not have to be made on a particular form, although in all circumstances it must be clear and unambiguous. An application can be in the form of a letter, so long as it contains all the information required in law for an application to be valid. The requirements in relation to the provision of the signature and date of birth identifiers on the application should be adhered to when designing application forms.



Many Electoral Registration Officers design their own absent voting application forms to suit their local circumstances. With the introduction of the collection of personal identifiers, think about the design of the form and whether the new requirements are clear. For example, we would recommend that the date of birth boxes are positioned above the signature on the form so as to reduce the incidence of applications where that day's date is included rather than the date of birth.

The Electoral Commission have also designed absent voting application forms, which can be ordered free of charge.

3.9 Electoral Registration Officers must supply free of charge as many copies of forms of application to vote by post or proxy as appear reasonable to those people who appear to the Registration Officer to want to use the forms in connection with an election. This includes political parties. To ensure that all applications are suitable for electronic scanning, it is suggested that any local political party offices are provided with a template copy of the preferred application layout in advance of the election.

Receipt of applications

3.10 Absent voting applications must be made in writing. However, this includes applications sent by fax, so long as they are in a legible and unambiguous form, capable of electronic scanning and of being used for subsequent reference, and the personal identifiers information is set out in the prescribed manner.²⁴ It is well worth ensuring that you have plenty of fax toner and paper, particularly on the last day for applications.

3.11 Applications can also be accepted as a scanned attachment to an email. There must be a signature on the attachment. Ensure that whatever system you use for capturing the personal identifiers has the capacity for dealing with signatures that are transmitted by these means.

²⁴ Paragraph 1(3), Schedule 1, NAW (RoP) Order 2007.



At any briefing sessions conducted for candidates and agents, it should be explained that any party workers collecting postal vote application forms from voters should deliver the forms directly to the Electoral Registration Officer.

The associated risks of delayed delivery, such as disenfranchised voters, should be emphasised. Candidates and agents should also be informed of the new statutory deadlines for absent votes and the need to collect dates of birth as well as signatures.

Checking signatures and dates of birth on application forms

3.12 The regulations allow Electoral Registration Officers to compare a signature or date of birth on an absent vote application with any other signature or date of birth that they may hold or is held by their employing local authority or by the Returning Officer.²⁵ It is clearly for the Electoral Registration Officer to determine how much checking they wish to do to satisfy themselves as to the authenticity of a signature, taking into account available resources and access to the signatures held. If an Electoral Registration Officer does have any suspicions about a particular application that can be substantiated, then these should be reported to the police.

²⁵ Regulation 51A, RPR 2001.

4 Proxy and postal proxy voting

Applications



The deadline for applying to vote by proxy remains at six working days before the election. However, there is now a provision which allows a person who becomes ill or disabled after this time, and detained 'civil' mental health patients, to apply to vote by proxy up until **5pm** on polling day, subject to providing the necessary attestation.

4.1 A person may not have more than one proxy at a time and can apply to vote by proxy for a definite or indefinite period or for one election only.²⁶

Indefinite proxy applications

4.2 Those who wish to apply for a proxy vote for one of the reasons listed below usually do so for an indefinite or definite period. There are a number of acceptable reasons in law that a person can choose to apply to vote by proxy for an indefinite or definite period of time.

4.3 These reasons are:

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

4.4 Mental patients and remand prisoners can also vote by proxy but do not need to meet one

of the reasons listed above as there are special arrangements in the law that allow them to vote by proxy.²⁷

4.5 Proxy applications for an indefinite or definite period require attestation and the reason for the requirement of a proxy vote must be stated on the application.

4.6 Proxy applications for one election only do not require attestation, but a reason for the application must be given.²⁸

Applying to vote by proxy

4.7 A proxy vote application must be made in writing but can be in any format: a letter, a fax or a proxy application form are all acceptable, so long as the application meets the necessary requirements.

4.8 The following information must be included in a proxy vote application for it to be valid:²⁹

- the full name of the applicant
- the applicant's **date of birth**
- the address at which the applicant is or will be registered
- the grounds on which the voter claims to be entitled to vote by proxy
- the name and address of the proxy
- whether the application is for an indefinite or definite period or for one election only
- whether the application is for Parliamentary elections, local elections or both
- the application must be **signed** and dated by the applicant

²⁷ Section 6, Representation of the People Act (RPA) 2000.

²⁸ Article 9, NAW (RoP) Order 2007.

²⁹ Paragraph 1, Schedule 1, NAW (RoP) Order 2007.

²⁶ Article 8, 11, NAW (RoP) Order 2007.

4.9 Where an applicant is unable to provide a signature, they must provide reasons with their application for their request to waive the signature requirement along with the name and address of any person who has assisted them with the completion of the application.³⁰

4.10 A proxy application for an indefinite or a definite period or for one election only must contain the full name and address of the person they wish to appoint as a proxy, together with the family relationship to the applicant, if any.³¹ The applicant must either:

- sign a statement stating that they have consulted with the proxy and that person is capable and willing to be appointed as a proxy, or
- the proxy must sign a statement themselves stating that they are capable and willing to be appointed as the applicant's proxy

Proxies for medical emergencies



A provision introduced in 2006 allows a voter to appoint a proxy up to **5pm** on polling day if they became ill or disabled after 5pm on the sixth day before the day of poll, i.e. they could not have applied for an absent vote under the normal procedure.

4.11 The form will need to be attested by an appropriate person from the list in paragraph 4.15 and must include, to the best knowledge and belief of the person attesting the form, the date that the person became ill or disabled – this must be after 5pm on the sixth day before polling day if the application is to be accepted.

4.12 The application must be made to the Electoral Registration Officer. If the application is made on polling day, or after the list of proxy voters has been despatched to the polling station, it will be necessary to find a way to communicate the information to the Presiding Officer at the polling station where the proxy will be voting, as clearly they will not be on the list of proxies originally supplied. It is suggested the proxy of any voter whose application has been accepted should be given a letter authorising them to act as a proxy, including details of the person for whom they are voting. The proxy should be instructed to take that authorisation with them when they go to vote and hand it to the Presiding Officer. The letter can then be retained with the list of proxy voters as a record that the proxy has been issued with a ballot paper. It is also suggested that every effort be made to contact the appropriate Presiding Officer to warn them that an emergency proxy has been appointed, particularly as there is actually no requirement in law that the proxy must provide that letter to be permitted to vote on behalf of the incapacitated voter. Wherever possible, it is recommended that a supplementary list of proxies be issued to the polling station; this should then be added to the list originally supplied.

Requirements to act as proxy

4.13 In general terms, people who are entitled to be registered to vote in an election are eligible to act as proxy for another at that election.³² The following people are not:

- those subject to legal incapacity (age apart) to vote in that election as a voter

³⁰ Paragraph 1(1)(f), Schedule 1, NAW (RoP) Order 2007.

³¹ Paragraph 3, Schedule 1, NAW (RoP) Order 2007.

³² Article 11, NAW (RoP) Order 2007.

- those who are neither a British or Commonwealth citizen, a citizen of the Republic of Ireland nor a citizen of another European Union member state³³
- those who have not reached the age of 18³⁴

Attestation

4.14 If a proxy application is being made for one of the reasons listed in paragraph 4.3 above, with the exception of those having to make a journey by sea or air to get to a polling station, and is for an indefinite or definite period, then the application must be attested by one of the people specified below.³⁵ The Electoral Registration Officer will be able to verify whether a journey by sea or air is required to get to the polling station from his or her own local knowledge. This is likely to apply only to people living on remote islands.

Physical incapacity or blindness³⁶

4.15 Forms should be attested by:

- a registered medical practitioner or registered nurse who is treating the applicant for their physical incapacity
- a Christian Science practitioner who is treating the applicant for their incapacity
- a person registered as a member of a profession to which the Health Professions Order 2001 applies (i.e. arts therapists, chiropodists, clinical scientists, dieticians, medical laboratory technicians, occupational therapists, orthoptists, paramedics, physiotherapists, prosthetists and orthotists, radiographers, and speech and language

³³ Article 11(3)(B), NAW (RoP) Order 2007.

³⁴ Article 11(4), NAW (RoP) Order 2007.

³⁵ Paragraph 4,5, Schedule 1, NAW (RoP) Order 2007.

³⁶ Paragraph 4(2), Schedule 1, NAW (RoP) Order 2007.

therapists) who is treating the applicant for their condition

- the manager, warden or matron of a residential or care home if the applicant resides in such an establishment
- the manager (or their authorised representative) of a hospital registered in accordance with Section 145 of the Mental Health Act 1983
- a registered social worker who has arranged care or assistance for the applicant
- a registered chartered psychologist who is treating the applicant for their condition

4.16 An applicant who is registered blind does not have to have their application attested if they specify that they are registered blind. An applicant who states they are in receipt of the higher rate of mobility allowance because of their incapacity does not require attestation for their application either.

4.17 In all circumstances except for an application made by a voter detained in a hospital under Section 145 of the Mental Health Act 1983, the person attesting the form must also state their name and address, their qualification to attest the form, that the applicant cannot be reasonably expected to go to the polling station and that the incapacity is likely to continue either indefinitely or for a period specified by the attestor.³⁷

4.18 Where an application is made by a voter detained in a hospital under Section 145 of the Mental Health Act 1983, the person attesting the form must also state their name, the position held in the hospital, a statement confirming that they are authorised to make the

³⁷ Paragraph 4(4), NAW (RoP) Order 2007.

attestation and details of the statutory provision under which the applicant is liable to be detained.³⁸

Occupation/employment/service voter/attendance on a course³⁹

4.19 Forms should be attested:

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

Limits on numbers of proxies

4.20 Under paragraph 6(6) of Schedule 4 to RPA 2000 a person is not entitled to vote as proxy at the same election in any constituency on behalf of more than two voters, unless they are close relatives as identified in the following paragraph.⁴⁰

4.21 The only circumstances in which a person can act as proxy for more than two voters is if they are the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the voter. There is no limit to the number of close relatives that a proxy may vote for.

Acknowledging proxy and postal proxy applications

4.22 When an Electoral Registration Officer has granted an application to vote by proxy they must confirm in writing to the elector that the proxy has been appointed and the duration of the appointment.⁴¹ A proxy must also be notified of their appointment. The form of the proxy paper for this purpose is prescribed.

38 Paragraph 4(6), NAW (RoP) Order 2007.

39 Paragraph 5(2), NAW (RoP) Order 2007.

40 Paragraph 6 (6), Schedule 4, RPA 2000.

41 Paragraph 8(2), Schedule 1, NAW (RoP) Order 2007.

5 Postal voting

5.1 There are no restrictions on who can vote by post. Any voter can choose to vote by post if they so wish by making an application, provided that they are registered to vote.

Applying to vote by post

5.2 A postal vote application must be made in writing but can be in any format: a letter, fax or an absent vote form are acceptable, so long as the application meets the Electoral Registration Officer's requirements of being unambiguous and capable of electronic scanning by being configured as laid down in the regulations. It is important to remember that this allows the Electoral Registration Officer to accept an application where the signature and date of birth is not configured as above and, wherever possible, it is recommended that they attempt to do so if the application is otherwise valid in all respects.

5.3 The following information must be included in a postal vote application in order for it to be valid:⁴²

- the full name of the applicant
- the applicant's date of birth
- the address at which the applicant is or will be registered
- the address to which the ballot paper should be sent
- whether it is for an indefinite or definite period or for one election only
- whether it is for European/UK Parliamentary elections, local government/National Assembly for Wales elections or all elections

- where an elector (or proxy in the case of an application to vote by post being made by a proxy) requests that their postal vote be sent to a different address from the address at which they are registered to vote, a reason for that re-direction must be supplied
- the application must be signed and dated by the applicant⁴³

5.4 Where an applicant is unable to provide a signature, they must provide reasons with their application for their request to waive the signature requirement along with the name and address of any person who has assisted them with the completion of the application.⁴⁴

5.5 The regulations give no guide as to what explanations an Electoral Registration Officer should accept for a person's postal vote to be sent to an alternative address. There are many valid reasons why a person may wish their postal vote to be sent to an alternative address – they may be on holiday, have moved without re-registering, be in hospital, have post sent to their work address, etc. It would therefore be virtually impossible to provide a fully comprehensive list of all acceptable reasons for postal votes to be sent to alternative addresses. This being the case, it is recommended that for the purposes of determining applications the Electoral Registration Officer should accept postal vote applications at face value if an explanation is given. However, this is not to say that Electoral Registration Officers should not remain vigilant as regards emerging patterns of applications, particularly where they are being redirected to an address other than the address at which the voter is registered. It should be noted that the regulations provide that the voter

⁴² Paragraph 1, Schedule 1, NAW (RoP) Order 2007.

⁴³ Article 9(1)(c), NAW (RoP) Order 2007.

⁴⁴ Paragraph 1(1)(f), NAW (RoP) Order 2007.

must explain why their circumstances are such that they wish an alternative address to be used – they could not say, for example, ‘because I prefer it that way’. Unless there is an explanation, an Electoral Registration Officer has the right either to check with the voter and obtain an explanation, or reject it, notifying the voter accordingly. If the reason for any particular application does cause suspicion because of its nature, or because of other circumstances linking the application to others in the area or to a particular address, then these should be reported to the police. It may also be appropriate to notify the police if, for example, a disproportionately high number of applications are received from one ward.

Processing absent vote applications

5.6 Absent vote applications should be processed as soon as practicable after receipt. This becomes more important the closer to the deadlines applications are received, particularly with the need to record the signatures and dates of birth of applicants.

5.7 If high levels of absent vote applications are received, particularly as the deadline for applications gets closer, it may be necessary to appoint temporary staff to process the applications.

5.8 It is important that all staff, but in particular temporary staff who are not experienced in processing applications, are aware of the statutory requirements that they should be checking for in absent vote applications.



A template of instructions which can be given to temporary staff involved in the receipt and checking of absent voting application forms as well as the notification of secrecy is provided in Section 11 (Resources), ‘notification of secrecy’.



Managing large numbers of last-minute postal vote applications

Electoral Registration Officers may need to consider increasing staffing levels, including using staff from outside agencies, to process applications if the numbers of applications coming into the office increase significantly before the deadline. The additional time needed to check that signatures and dates of birth have been supplied by applicants should not be underestimated.

There may also be value in running a check to identify where a large number of postal ballot papers are being sent to one address. Where suspicions are aroused, the police should be advised of the circumstances.

Acknowledging postal vote applications

5.9 Electoral Registration Officers are required to write to **all** applicants to let them know whether their application has been accepted or rejected.⁴⁵

⁴⁵ Paragraph 8(1), Schedule 1, NAW (RoP) Order 2007.



Acknowledgements serve a number of purposes

- They give the voter an opportunity to check that the information they gave on their application has been processed correctly. They also confirm that their application has been granted or rejected.
- They give an opportunity to safeguard against potential fraud or misunderstanding on the part of the voter. If a voter receives an acknowledgement for a postal vote that they have not requested, or were not aware that they had requested, the receipt of the acknowledgement would give the voter an opportunity to get in touch with the Electoral Registration Officer.
- These responses, along with non-delivery, should be monitored and where suspicions are aroused the police should be advised of the circumstances.

5.10 Acknowledging postal vote applications is **now compulsory** and **all** applicants must be notified as to whether their application has been granted or refused and, in the case of the latter, the reason for it being refused.

6 Absent voting records and lists

6.1 The Electoral Registration Officer must compile a list of all absent voters including all the postal, proxy and postal proxy voters.

Supply of absent voting lists to candidates, election agents, registered political parties and elected representatives

6.2 A number of quite significant changes will be introduced for the 2007 elections in respect of the inspection and supply of absent voting lists.

6.3 Elected representatives, candidates, election agents, registered political parties and local constituency parties may request that the Electoral Registration Officer supply (as soon as practicably possible after the request is made, and free of charge) a copy of:

- the current version of the absent voting record, which would, in the event of a particular election being called, be included in the absent voting lists to be used at those elections, and
- the final version of the absent voting lists for the particular election



For a definition of 'candidate', refer to Part C – Action before the poll

It is important to remember that a person does not become a candidate for a particular election until, at the earliest, publication of the Notice of Election.

6.4 Any such request must be made in writing, and must specify which records or lists are required, whether the request relates to both the current and/or the final lists and whether

the information should be supplied in data or paper format.

6.5 Where a request is made for the supply of a final copy of the list of postal voters, the Electoral Registration Officer must supply the information as soon as practicably possible after the deadline for the receipt of postal voting applications at 5pm on the eleventh day (excluding *dies non*) before the poll. Similarly, the finalised list of proxy voters and an updated list of postal voters can be supplied on request as soon as practicably possible after the sixth day before the poll, and then updated to take account of any changes that occur after that deadline.⁴⁶

6.6 Where elected representatives, candidates, election agents, registered political parties and local constituency parties are provided with a copy of the current absent voting record and/or the final list, they may only use the information for research or electoral purposes and for any purposes compatible with the restrictions applicable to the use of the full register of voters by that recipient.

Inspection of absent voting records

6.7 The Electoral Registration Officer is required to make both the current version of the absent voting record and, when published, the final version of the absent voting list available for public inspection at their office. However, for a person to inspect the record or the list, they must first make a request in writing specifying:

- which records or lists are required
- whether the request relates to both the current and/or the final lists

⁴⁶ Paragraph 13(6),(7), Schedule 1, NAW (RoP) Order 2007.

- who will be inspecting the information
- the date on which they would like to make their inspection
- whether they would prefer to inspect the information in printed or data format

6.8 As soon as practicably possible after 5pm on the sixth day (excluding *dies non*) before the poll, the Electoral Registration Officer must make available for public inspection a copy of the final list of absent voters, which must be updated to take account of any emergency proxy applications that are granted.

7 The issue and distribution of postal ballot packs

Royal Mail good practice guidance

7.1 Royal Mail has produced good practice guidance about postal voting. This includes protocols on all aspects of the postal voting process and working relationships with Royal Mail. It has been put together to address issues surrounding the increasing levels of postal voting and how to manage the process effectively. Please refer to this guidance if you are planning to use Royal Mail to deliver your postal votes.

Role of the Returning Officer

7.2 It is the decision of the Returning Officer when the issue of postal votes should take place. It is also the responsibility of the Returning Officer to appoint staff to issue the postal votes.

Persons entitled to be present

7.3 The only people entitled to be present at the issue of postal votes are the Returning Officer, their staff, representatives of the Electoral Commission and any observers accredited by the Commission.⁴⁷ Candidates and their agents are not permitted to attend.

Requirement for secrecy

7.4 The Returning Officer must ensure that every person who is present at the issue of postal votes is given a copy of the requirement for secrecy that is prescribed by Article 35, NAW (RoP) Order 2007, i.e. a copy of Article 35(4) and (6) of the Conduct Order.⁴⁸



A copy of the notification of secrecy requirements is provided in Section 11 (Resources).

Timing of the issue

7.5 Postal votes for postal voters and postal proxies cannot be issued until after the deadline for new applications (5pm on the eleventh day before the election).⁴⁹



It is good practice to issue postal votes to all who have applied, including long-term postal votes, as soon as practicable after the deadline for applications for postal votes, 11 days before the close of poll. This allows a maximum amount of time for ballot papers to be dispatched and for the voter to return them. Returning Officers may well need to consider additional staffing in order to ensure that all postal ballots are issued as soon as possible after the deadline for applications.

Preparation of postal vote stationery

7.6 The EAA 2006 has introduced a number of challenges for Returning Officers in respect of the administration of the postal voting process, which will have implications as to how the postal voting stationery is prepared and produced. It is vital to ensure that there are sufficient ballot papers and the other required stationery to meet the demand of a possible late surge of applications.

7.7 There have traditionally been two main methods of preparing postal vote stationery – in-house, whereby postal vote stationery is printed and prepared by electoral services staff

⁴⁷ Paragraph 5, Schedule 3, NAW (RoP) Order 2007.

⁴⁸ Paragraph 7, Schedule 3, NAW (RoP) Order 2007.

⁴⁹ Paragraph 8, Schedule 3, NAW (RoP) Order 2007.

or in-house printers, and outsourced printing, whereby postal vote stationery is printed by an external printing house.

7.8 One key change to note is that the regulations now require that the postal voters list and the list of postal proxies be marked to confirm that a postal vote has been sent back by the Returning Officer.⁵⁰ In addition, voters will be able to ask for confirmation at any time after the issue of postal votes up until the close of poll as to whether their postal vote has been returned.⁵¹ Both of these new requirements will have implications on the production of the postal vote stationery, in that Returning Officers will need to ensure that they are able to easily mark the receipt of postal voting statements on the lists of postal and postal proxy voters. It may be possible to undertake this recording task manually by reference to the ballot paper number required to be printed on the postal voting statement, but where a Returning Officer wishes to automate or part-automate the process, consideration will need to be given as to whether the stationery can be produced in-house or needs to be outsourced.



The stationery associated with postal voting is prescribed in regulations. In order to avoid any potential challenge to the postal voting process, the Returning Officer must, therefore, be satisfied that the postal vote stationery used is lawful. The responsibility for complying with the law remains with the Returning Officer, even if contractors are used.

See also Part B – Preparing for a local government election.

⁵⁰ Paragraph 21(1)(a), Schedule 3, NAW (RoP) Order 2007.

⁵¹ Paragraph 21(1), Schedule 3, NAW (RoP) Order 2007.

7.9 Other factors that will need to be considered include the following:

If printing in-house

- How many postal votes you will be issuing?
- Will staff resources be available to oversee the printing of the stationery without impacting on the administration of other facets of the election?
- Do you have sufficient printing facilities and stationery available?

If outsourcing production

- Does the printer's stationery comply with legislation?
- For how many local authorities is the company printing stationery? This may impact on whether they can cope with increased demand.
- Where is my order in the company's schedule of work?
- Will the printer be able to print large numbers of postal vote packs?
- Will the printer be able to manage an increased volume of postal votes if the number of applications increases unexpectedly? Will they have enough envelopes available, for example?
- Will they be able to guarantee secure data transfer and delivery of stationery?
- What quality control measures do they have in place?
- How will they facilitate the Returning Officer or staff visiting the premises during production, if required? In addition, how will they facilitate attendance by representatives of the Electoral Commission and any observers accredited by the Commission?

- What previous relevant experience do they have?
- Can they provide suitable references?

Logistics

7.10 The issue of postal votes is a crucial part of the administration of the election, and numbers of postal votes continue to rise. The deadline for receipt of applications has been moved back to 11 working days before the election, but the time for issuing remains tight.

7.11 These factors alone can create logistical difficulties for the timely and successful issue of postal votes. When combined with other factors such as difficulties recruiting staff or large numbers of applications arriving very close to the deadline for receipt, the issue of postal votes can become extremely difficult in logistical terms. This could potentially put the administration of the election at risk.

7.12 There are measures, however, that can be put in place to reduce the risk to the successful conduct of elections in terms of the production and issue of postal votes.

Production checks

7.13 During the production of ballots, the Returning Officer should implement quality assurance procedures to monitor the supplier's performance throughout the printing process. It is advisable to have staff in attendance on every day that the ballot packs are being printed, and discussions to facilitate this should occur at the time the contract is negotiated.

7.14 Returning Officers should carry out frequent checks on the process. Where possible, it is suggested that the Returning Officer or a senior member of their staff check

the beginning and end of the print runs for each polling district for accuracy but, more importantly, random spot checks within polling districts should also be carried out. Where the issue of postal ballots is concerned, particular attention should be paid to checking that:

- the number of the postal ballot paper is correctly marked on the postal voting statement that accompanies it
- voters' names and addresses are accurate
- there is no bleeding of ink, and the print quality is acceptable
- all details are printed accurately
- all required items are in the outgoing envelope, including the correct ballot paper for the ward

7.15 Clear guidelines for handling checked ballot papers (including the reporting of errors and the generating of any replacements if required) should be agreed with the printer in advance. A record of each ballot paper checked should be kept.



Further information on managing contractors and suppliers can be found in Part B – Preparing for a local government election.

7.16 Remember that any staff of a contractor employed on this process are covered by the requirement of secrecy and should therefore be given a copy of the relevant parts of Article 35, NAW (RoP) Order 2007.

Practical considerations when issuing postal ballots by hand

7.17 It is advisable to plan a schedule for issuing postal votes, with some flexibility built in

particularly in terms of resources for additional issuing should this become necessary. Particular measures that can assist in the smooth running of the issuing process are as follows:

- as some stationery can be prepared in advance, consider, for example, overprinting envelopes with the return address, constituency and electoral region, and numbering and addressing outgoing envelopes
- prepare boxes of equipment for each main issue so that they include:
 - the postal voters list
 - stamping instruments (if being used)
 - corresponding numbers lists
 - pens
 - pencils
 - bulldog clips
 - paper clips
 - rubber bands
 - control sheets
 - statement of postal votes issued
 - set of envelopes for the corresponding numbers lists
 - rulers
 - pencil sharpeners
 - staff signature sheet
- talk through the postal vote issue process and have written instructions available for staff. Ensure sufficient supervision, particularly when using staff with little or no experience of issuing procedures

- instruct supervisors to carry out regular spot checks during each issue of postal ballots, to ensure that the correct details appear on the ballot stationery and that the correct stationery is in the outgoing envelope

What the voter should receive

7.18 Ballot paper – Each person who has applied for a postal vote should receive a ballot paper for the relevant constituency and electoral region in the prescribed form.⁵²

7.19 Postal voting statement – The voter must sign the postal voting statement and fill in their date of birth, for potential checking against the list of personal identifiers. The postal voting statement should be in the prescribed format.⁵³ Importantly, the postal voting statement must include the number of the ballot paper being issued with the statement and another identifying mark, which could be a barcode but equally could be in another format. The postal voting statement also contains the prescribed instructions for how to vote by post.

7.20 'A' envelope – This envelope is prescribed in regulations.⁵⁴ The envelope should be marked with the letter 'A', the words 'ballot paper envelope' and the number of the ballot paper, or as the case may be, ballot papers. The 'A' envelope may have a window through which the number on the ballot paper can be displayed, as an alternative to printing the ballot paper number on the envelope.

⁵² Paragraph 9, Schedule 3, NAW (RoP) Order 2007.

⁵³ The format of the postal voting statement is prescribed under Paragraph 3, Schedule 3, and Schedule 10 (Appendix of Forms) of NAW (RoP) Order 2007.

⁵⁴ Paragraph 11(2), Schedule 3, NAW (RoP) Order 2007.

7.21 'B' envelope – This envelope is also prescribed in regulations.⁵⁵ This envelope is for the return of the postal voting statement and envelope A, and should be marked with the letter 'B' and the address of the Returning Officer.

7.22 Instructions – As stated earlier, the postal voting statement contains the prescribed instructions for voting by post and is required to be sent to the voter. In addition, the Returning Officer **must** also issue to those entitled to vote by post information about how to obtain:

- translations of the instructions and guidance into languages other than English and Welsh
- translations of the instructions and guidance into Braille
- graphical representations of the instructions and guidance
- the instructions and guidance in any other format (including audible format)⁵⁶

7.23 Outgoing envelope – This envelope, containing all of the above items, will be addressed to the voter at the address to which they have asked the ballot paper to be sent.

Procedure for issuing postal votes⁵⁷

7.24 The issuing process has changed as a result of provisions introduced by the EAA 2006 and accompanying regulations which are reflected in full within the NAW (RoP) Order 2007.

- Each postal ballot paper must **bear** the official mark (either by being stamped with a stamping instrument or by being identified with a watermark, underprint, etc.), **and** must

also be uniquely numbered, **and** must contain a unique identifying mark (UIM) on the reverse. This UIM must be unique to the ballot paper. The UIM could be the ballot paper number with the addition of a prefix. It does not necessarily have to be in the format of a barcode as the legislation does not specify this, but barcodes are one form of UIM.

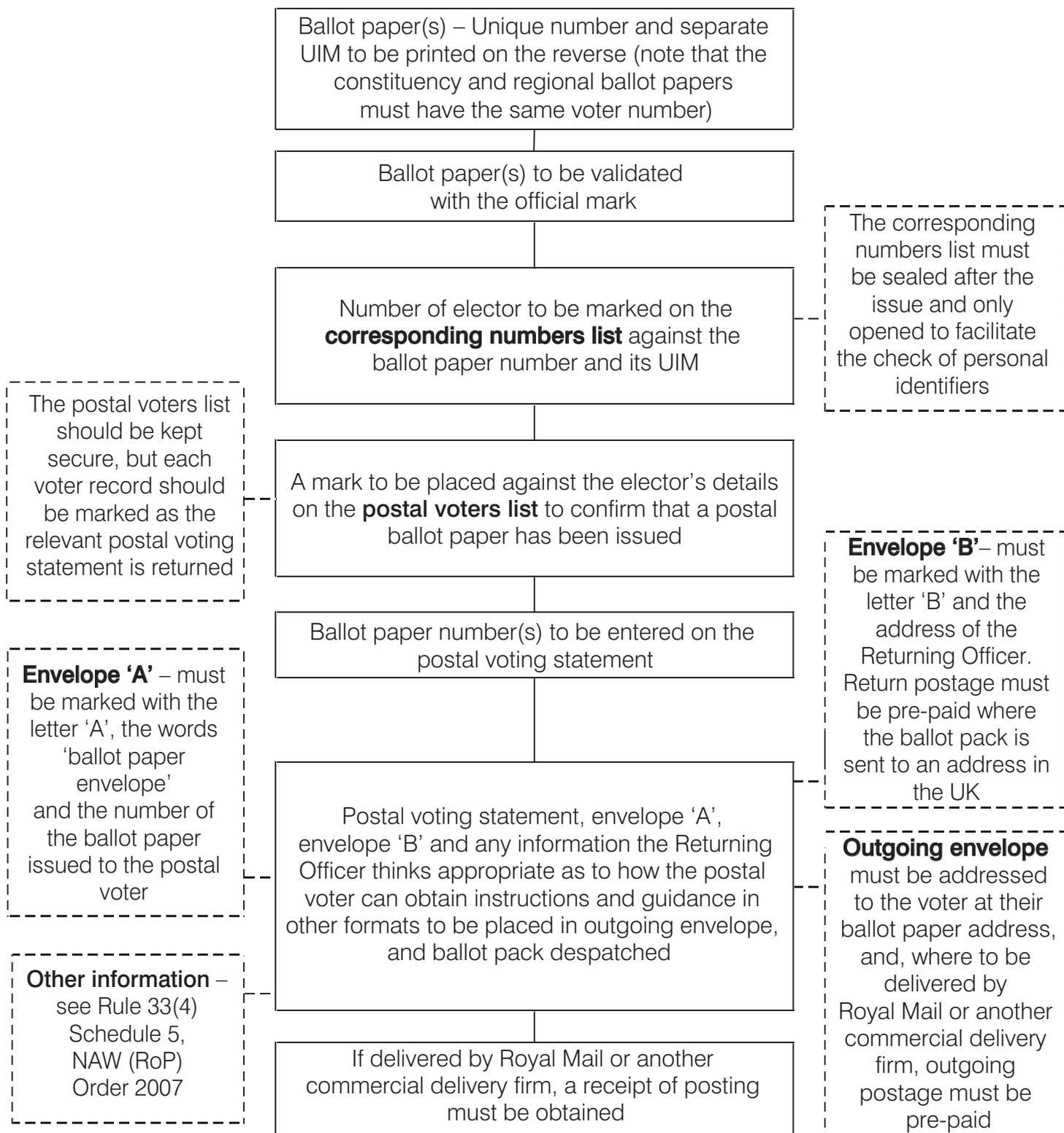
- Where, at an Assembly general election, a voter is entitled to two votes, the constituency ballot paper and the regional ballot paper shall have the same voter number.
- The voter's number must be marked on the **corresponding numbers list**, next to the number and UIM of the ballot papers issued to the voter.
- A mark must be placed in the **postal voters list** (or the list of postal proxies as the case may be) to indicate that a ballot paper has been issued to a voter, without showing the particular ballot paper issued.
- The numbers of the postal ballot papers issued shall be marked on the relevant postal voting statement.
- The address to which the ballot pack should be sent is the address shown in the relevant postal voters list. In the case of a postal proxy, this is the address shown in the proxy postal voters list.

⁵⁵ Paragraph 11(1), Schedule 3, NAW (RoP) Order 2007.

⁵⁶ Rule 33(4), Schedule 5, NAW (RoP) Order 2007.

⁵⁷ Paragraph 9, Schedule 3, NAW (RoP) Order 2007.

Figure 1: Postal votes issuing process



Record keeping

7.25 As the postal voters are issued with their ballot papers and envelopes, two separate lists must now be marked – the corresponding numbers list and the postal voters list (or the list of postal proxies as appropriate).

7.26 The corresponding numbers list records the details of which ballot papers are issued to which voter, along with the UIM applicable to each relevant ballot paper. At the issue, the elector number must be marked on the list against the ballot paper number and its UIM. The list is in effect the equivalent of the ballot paper counterfoil that used to be completed on the issue of postal ballot papers.

7.27 The corresponding numbers list must be sealed in a packet as soon as practicable after each issue of postal ballot papers, and can only be opened and inspected by the order of a court.

7.28 A mark should also be placed on the postal voters list against the voter's name, to denote that a ballot paper has been issued to the voter or their proxy.⁵⁸ As the postal votes are returned by voters, the Returning Officer will be required to mark the return of each postal vote onto the postal voters list, which will be used to confirm to voters and their proxies whether their postal vote has been received during the election.⁵⁹ After the election it will be open for public inspection and will be made available for supply, subject to a prescribed fee, to the Electoral Commission, elected representatives, candidates, election agents, registered political parties and local constituency parties, police forces and government departments.

58 Paragraph 9(3), Schedule 3, NAW (RoP) Order 2007.

59 Paragraph 21, Schedule 3, NAW (RoP) Order 2007.

7.29 For that reason the marked postal voters list and list of postal proxies should not be sealed in the appropriate packet until after the final opening of postal ballot papers has been completed, but must be kept secure until that time.⁶⁰

7.30 Once the final opening of postal ballot papers has been completed, the packets containing the marked postal voters list and list of postal proxies should be sealed and stored in a secure place.

Dispatch

7.31 The Returning Officer has a choice of three means for the delivery of ballot packs:⁶¹

- a universal service provider within the meaning of the Postal Services Act 2000
- a commercial delivery firm
- staff appointed for the purposes of the election

7.32 If using a universal service provider or a commercial delivery firm for the delivery of ballot packs, the number of envelopes must be counted, and a receipt signed by those collecting the envelopes must be handed over to the Returning Officer.⁶² Arrangements for collection of ballot packs being issued should be made in advance, with clear communication of the schedule for issuing.

7.33 If not delivering by hand, postage must have been pre-paid on the outgoing envelope that has been addressed to the postal voter, and postage must also be paid on the return

60 Paragraph 20(11), Schedule 3, NAW (RoP) Order 2007.

61 Paragraph 13(1), Schedule 3, NAW (RoP) Order 2007.

62 Paragraph 13(2), Schedule 3, NAW (RoP) Order 2007.

envelope, except where postal votes are being returned from outside the UK.⁶³

7.34 Staff can also be appointed by the Returning Officer to deliver the ballot packs. Staff normally appointed to be canvassers may be suitable for the delivery of ballot packs, as they will be familiar with a particular area. Staff delivering ballot packs may not be a suitable option in all types of area and this will be a judgement for the Returning Officer based on local circumstances.

7.35 Returning Officers may wish to identify local, non-local and non-UK ballot pack addresses and separate them out at issue, as they will require different delivery methods depending on their type:

7.36 Local delivery. If ballot packs being sent to local addresses are to be delivered by a universal postal service provider or commercial delivery firm, outgoing postage will be required. Clearly, if the Returning Officer's staff are delivering ballot packs, no outgoing postage will be required, but there will be a cost in staff fees and time. However, postage must be pre-paid on the 'B' envelope.

7.37 Non-local delivery. It is not feasible for the Returning Officer's staff to deliver ballot packs to areas that are not in the local area. Therefore all non-local ballot packs will require outgoing postage and will need to be delivered by a universal postal service provider or commercial delivery firm.



If it is felt that it may not be realistic for a ballot pack to be dispatched, reach the voter and be returned to the Returning Officer before the close of poll, consideration should be given as to whether the voter should be advised to appoint a proxy as an alternative. It is of course, the choice of the voter as to which method of voting they prefer, but it is good practice to advise the voter of the circumstances surrounding their choice.

It is also good practice to send ballot packs that are to be delivered to overseas addresses via Air Mail as soon as possible after the eleventh day before the poll. You will probably need to liaise with Royal Mail about the higher cost of postage for sending items overseas via Air Mail. Return postage is not required to be included on the return envelope if the address provided by the elector is outside the UK.

7.38 Non-UK delivery. Although overseas voters are not eligible to vote at Assembly elections, some voters may request that their ballot packs are sent to an overseas address.

⁶³ Paragraph 13(3),(4), Schedule 3, NAW (RoP) Order 2007.

8 Replacement postal votes

Replacement of spoilt ballot papers⁶⁴



A voter may now apply for a replacement if they have spoilt either their ballot paper or their postal voting statement. In previous elections the voter could only apply if they had spoilt their ballot paper.

8.1 If a person spoils their postal ballot paper or postal voting statement, it is possible to have a replacement paper if they follow the procedure below.

8.2 The spoilt ballot paper and the postal voting statement are to be returned to the Returning Officer. Any such returned spoilt ballot paper and postal voting statement will have to be cancelled. These documents should be sealed in a packet for spoilt postal ballot papers. A new ballot pack (ballot paper, postal voting statement and relevant envelopes) should be made up and despatched to the voter unless the voter applies in person, in which case the new ballot pack can be handed to them.

8.3 Applications to apply for a replacement spoilt ballot paper must be made to the Returning Officer by 5pm on polling day.

8.4 Where an application is made before 5pm on the day before the poll, the Returning Officer may either hand a replacement ballot pack to the voter or arrange for it to be delivered to them. However, any request for a replacement

ballot pack made after 5pm on the day before polling day may only be handed to the voter.

8.5 The details of the returned spoilt ballot paper should be added to the list of spoilt postal ballot papers. This is an official document which records specified details where replacement papers have been issued.

Replacement of lost ballot papers⁶⁵



Postal voters may now request at any time after the issue of postal ballot papers and before the close of poll confirmation as to whether their postal voting statement has been marked as being returned on the postal voters list, and/or whether their ballot paper has been included on the list of provisionally rejected votes.⁶⁶ The Returning Officer is required to specify what methods may be used to make the request, and may require evidence of the voter's identity before providing such confirmation.

8.6 Prior to issuing a replacement for a postal vote that has not been received by the voter, the Returning Officer should check that the originally issued postal voting statement has not been marked as being returned on the postal voters list. If the postal voting statement has been marked as returned, the Returning Officer must remove the postal voting statement from the receptacle and the ballot paper from the postal voters ballot box.⁶⁷

⁶⁴ Paragraph 14, Schedule 3, NAW (RoP) Order 2007.

⁶⁵ Paragraph 15, Schedule 3, NAW (RoP) Order 2007.

⁶⁶ Paragraph 21(a), Schedule 3, NAW (RoP) Order 2007.

⁶⁷ Paragraph 15(4), Schedule 3, NAW (RoP) Order 2007.



It should be recognised that in some cases, the voter may simply have forgotten that they had completed and returned their postal vote, and therefore erroneously applied for a lost postal vote. However, it is suggested that, prior to sealing the retrieved postal voting statement in a packet, the Returning Officer considers using their powers to conduct an additional personal identifier verification and compares the signature and date of birth on the statement with those contained in the personal identifier record. If they are significantly different, the Returning Officer may wish to report the matter to the police.

8.7 If the voter has not received a postal ballot paper, postal voting statement or envelopes, it is possible for a replacement to be issued if the voter follows the procedure below.



The description 'lost' now also includes a situation where a voter has themselves lost their ballot paper, postal voting statement or envelopes after receiving them from the Returning Officer.

8.8 A voter can apply for a replacement between the fourth day before polling day and 5pm on polling day. The application must include details of the voter's identity. The voter must also return any of the postal voting documents that they still have.

8.9 Where an application is made before 5pm on the day before the poll, the Returning Officer may either hand a replacement ballot pack to the voter or arrange for it to be delivered to them. However, any request for a replacement

made after 5pm on the day before polling day may only be handed to the voter.

8.10 In the case where a voter has lost any part of their postal ballot pack themselves, they must return the remaining part to the Returning Officer when applying for a replacement. The Returning Officer must cancel these documents and make them up into a separate, sealed package. This packet can subsequently be opened and additional cancelled documents added, if necessary.

8.11 A list of lost postal ballot papers is required to be completed by the Returning Officer, to show details where replacements have been issued.

8.12 The Returning Officer must be satisfied as to the voter's identity and have no reason to doubt that the postal voter did not receive the original ballot paper. Returning Officers will take their own view as to what they require in the way of identification in order to be satisfied as to the voter's identity. However, we have included some considerations and recommendations regarding proof of identity below.

Proof of identity

8.13 Returning Officers will wish to balance the effort required to satisfy themselves about a voter's identity with the proper administration of the election process. In seeking proof of identity, Returning Officers will bear in mind that no proof of identity is required for registration or to vote in person at a polling station. A balanced approach should be adopted that seeks to use some proof of identity which can be easily verified by election staff but which is not too onerous on the voter.

8.14 It is common practice for voters to contact the elections office by telephone to enquire about a replacement ballot pack when it has failed to arrive. This is when elections staff should advise about the procedure and what, if any, proof of identity will need to be produced before a replacement ballot pack is issued.

8.15 The Returning Officer may wish to be guided by the following in preparing an appropriate procedure for satisfying themselves as to the identity of a voter requesting a replacement ballot pack:

Recommendation 1

8.16 One primary proof of identity should be provided for the issue of a replacement postal ballot pack. This should be an official document that includes a photograph of the voter together with the voter's name. The two most secure examples are:

- full, valid, current passport
- photocard driving licence

Other documents may be acceptable as a primary proof, as long as they have a sealed photograph. These may include:

- local bus pass
- student card issued by a recognised higher education body
- identity card issued by a recognised local employer

Some voters may have a good reason for being unable to produce one of these as proof of identity, for example, those with a cultural reason that precludes photographic images. In these circumstances, it is recommended that two examples of proof of identity drawn from the secondary list should be provided.

Recommendation 2

8.17 If the Returning Officer is still in any doubt about the identity of a voter requesting a replacement postal ballot paper, a secondary proof of identity could be sought. Secondary proofs of identity are much less secure than primary ones. Two secondary proofs of identity may be requested if the voter cannot produce a primary proof.

Secondary proofs of identity may include:

- full driving licence (without photograph)
- council tax payment book or recent council tax bill
- council or social landlord rent book
- recent rent receipts or tenancy agreement
- allowance/benefits/pension book issued by Department for Work and Pensions
- cheque book/cheque card/National Savings book
- recent bank/building society statement (not store card statement)
- recent utility bill (two different ones are preferred – not mobile telephone)
- P45
- correspondence from a government department
- identity card issued by member state of the European Union/European Economic Area, travel documents issued by the Home Office or Certificate of Naturalisation or Registration

- letter (attested statement) from a responsible person such as a solicitor, doctor, minister of religion, teacher, hostel manager, social worker, district nurse, midwife or 'other' responsible person which says they know the voter and confirms their name and address. Some Returning Officers might include the voter's landlord or tenant in this category and possibly stipulate that they must be on the register
- National Health Service medical card or National Insurance card; birth/adoption/marriage/divorce/deed poll or statutory declaration certificates (these are not considered very secure and should preferably have been issued within six months of the event, rather than replacements)
- before an attestation is sought, the voter should be advised that some signatories may charge a fee for the service
- the Returning Officer should state that proofs of identity will not be retained and that the documents will be treated confidentially

Recommendation 3

8.18 The following may also be worth considering:

- for added security, **originals**, not photocopies, of the proof of identity should be produced
- the evidence provided by the voter should show a clear link between the name on the identifying document and current entry on the electoral register
- birth certificates are not absolute proof of identity and so the voter may be asked to provide additional evidence, to allow their identity to be checked
- where utility bills or bank statements are provided, it would be safer to ask for more than one, or at least the most recent (within the last three months)
- cheque, bank or credit cards should be checked against the voter's signature

9 Receipt, opening and storage of postal votes

Receipt of postal votes

9.1 A postal ballot paper or a postal voting statement may be returned separately to the Returning Officer by post or by hand to their offices or by hand only to a polling station within the relevant constituency area.

9.2 The postal ballot paper and/or the postal voting statement do not have to be returned in the 'B' envelope issued to the voter – the voter may use their own envelope.

9.3 Once the Returning Officer receives postal ballot papers, they should be secured in a postal voters ballot box.⁶⁸ This box should be stored in a secure place until the opening of postal ballot papers.

Security of postal ballots received

9.4 All postal ballots received either at the Returning Officer's office or at polling stations on polling day should be securely stored in an appropriate receptacle. At the Returning Officer's office, these should be locked ballot boxes clearly labelled 'postal voters ballot box'. The requirements are that each ballot box 'shall be marked "postal voters ballot box", or "postal ballot box" as the case may be, and with the name of the relevant constituency and electoral region'.⁶⁹ All postal voters ballot boxes should be capable of being locked and sealed to ensure the security of the contents. If the Returning Officer does not have (or is not able to obtain) sufficient standard ballot boxes, then any receptacle used as a ballot box should be so constructed as to be in accordance with this regulation.

9.5 Returning Officers may wish to designate an officer to ensure that all postal votes returned to the elections office before close of poll are taken securely to the count.

9.6 When storing postal ballots delivered to polling stations, the priority is to ensure that they are secure and out of the reach of voters. Returning Officers should emphasise to Presiding Officers the importance of maintaining the security of the postal ballots handed in, as they would with regard to the ballot box and other election documents.

9.7 In polling stations, the recommended practice is to have a packet clearly labelled as containing postal ballots handed into the polling station, with the number of the polling station clearly marked. Ensure that the size of the packet (or packets) is sufficient to take a large number of postal ballots in case more are received in this way than has previously been the case. Whatever the size or nature of the packet, it must be capable of being properly sealed and secured when postal votes are collected by the Returning Officer or delivered to them at the close of poll. An added security measure that would also assist at the count would be to ask Presiding Officers to record the number of postal vote envelopes handed in at the polling station. This would then be included on a suitable form which could also be inserted and sealed in the packet when collected by the Returning Officer or delivered to them at the close of poll. As a further security measure, Presiding Officers could also be asked to keep a record of the number inserted in each packet returned to the Returning Officer for audit purposes, so as to confirm that the packet has not been tampered with and the number changed.

⁶⁸ Paragraph 18, Schedule 3, NAW (RoP) Order 2007.

⁶⁹ Paragraph 17, Schedule 3, NAW (RoP) Order 2007.

9.8 Returning Officers should take every precaution to transport postal ballots securely to the opening and count venues, especially if these are not in the same building as the Returning Officer's office, and to record receipt of the packets at the count.

Recording and evidencing actions

 Recording the receipt and movement of postal ballots is crucial. It is advisable to have a schedule recording the total number of postal votes received at the Returning Officer's office and placed in a postal voters ballot box, and the subsequent movement of those boxes to opening and count venues. Returning Officers may wish to include in this record whether the covering envelopes were hand delivered by voters and to which location, or received from Royal Mail. Ensure that there is a clear audit trail.

9.9 Returning Officers may wish to provide Presiding Officers with a log or form to record the details of voters who attend at a polling station and are marked as being an absent voter, but who claim not to have applied for a postal or proxy vote. Recording the name, address and electoral number of such voters should enable the Electoral Registration Officer to write to those people after the election and could also provide invaluable evidence in any police investigation. An example log is available on eXtra at www.electoralcommission.org.uk/elections/01.cfm

 Where a voter or their proxy who attends at the polling station is marked as having received a postal ballot paper on both the register of electors and the list of postal or postal proxy voters but claims never to have applied to vote by post, they may now be issued with a tendered ballot paper at the polling station.⁷⁰ Alternatively, if before 5pm on polling day, the voter could be directed to the Returning Officer's office to apply to have a replacement lost postal ballot pack issued.

The opening process

Persons present at opening

9.10 Candidates, election agents, agents appointed specifically for the purpose of observing the opening of postal votes, representatives of the Electoral Commission and any observers accredited by the Commission⁷¹ are entitled to attend opening sessions. Candidates must be notified of the date and time of openings, see 9.11 below. The postal voters ballot boxes must be opened in their presence if they do attend. Returning Officers might consider inviting the police to attend where their attendance might be deemed of value.

Notification of time of opening

9.11 The Returning Officer must give 48 hours notice of the opening to each candidate, specifying the time and place of the opening and the number of agents a candidate may appoint to attend each opening.⁷²

⁷⁰ Rule 49(2), Schedule 5, NAW (RoP) Order 2007.

⁷¹ Paragraph 6, Schedule 3, NAW (RoP) Order 2007.

⁷² Paragraph 16(1), Schedule 3, NAW (RoP) Order 2007.

Notification of requirement of secrecy

9.12 The Returning Officer must ensure that every person who is present at the opening of postal votes is given a copy of the requirement for secrecy that is prescribed by Article 35 of NAW (RoP) Order 2007, i.e. a copy of Article 35(4) and (6) of the Conduct Order.⁷³



A template copy of this section of Article 35(4) and (6) of the NAW (RoP) Order 2007 is supplied in Chapter 11, Resources.

Postal ballot box

9.13 A postal ballot box, or boxes, should be provided at the opening. The postal ballot box(es) will be used to store the valid postal ballot papers from each opening of the postal voters ballot box (which contains the returned covering envelopes). The postal ballot box(es) should be sealed and stored securely until the count.

9.14 When the postal ballot box is opened, the first step is for the Returning Officer's staff to count and record the number of covering envelopes.⁷⁴ The Returning Officer must then set aside a minimum of 20% of the envelopes from that postal ballot box for personal identifier verification. The Commission strongly believes that 100% verification is preferred and would represent good practice, as it results in every postal ballot being treated equally, and results in one administrative process for all postal ballots rather than two separate processes being operated side by side.

⁷³ Paragraph 7, Schedule 3, NAW (RoP) Order 2007.

⁷⁴ Paragraph 20, Schedule 3, NAW (RoP) Order 2007.



If the Returning Officer decides to check **less than 100%** of postal voting statements at each opening session, it is important that those set aside for personal identifier verification are kept separate from those that are not going to be subject to the more detailed check as they need to be independently accounted for, and sealed in packets separate from those that have not had the personal identifier verification undertaken once they have been checked. However, the same basic opening process applies.

The Returning Officer may choose to check more than 20% but less than 100% of the postal vote statements at this stage. If a different sample is selected the Returning Officer should explain to candidates and agents, as well as any representatives of the Commission or accredited observers, what the sample selected is and how the sample size was arrived at.

9.15 Where a Returning Officer has made the decision to check the minimum 20%, or a sample between 20% and 100%, of postal voting statements at each opening, the regulations do provide a power to go back and verify the identifiers on some or all of the postal voting statements from previous opening sessions that were not originally subject to the verification check of identifiers.⁷⁵ This power should be exercised at the Returning Officer's discretion, reasonably and consistently. This will be complicated from an administrative perspective, as Returning Officers will need to retrieve any ballot papers rejected as a result of the additional verification. Again, the Returning

⁷⁵ Paragraph 24, Schedule 3, NAW (RoP) Order 2007.

Officer should explain to candidates and agents, as well as any representatives of the Commission or accredited observers, why the sample size has been increased.

9.16 Each covering envelope should be opened.

- a. If the covering envelope contains a postal voting statement and either a ballot paper envelope or ballot paper without the envelope, the postal voting statement should be handled as in paragraph 9.20 in order to check whether the postal voting statement is valid.
- b. If no postal voting statement is visible, but there is a ballot paper envelope, the envelope should be opened to see whether or not the postal voting statement is inside. If it is, it can again be handled as in paragraph 9.20.
- c. If the covering envelope contains a postal voting statement but no ballot paper envelope or ballot paper, the receipt of the postal voting statement should be marked on the postal voters list (or list of postal proxies as the case may be), then marked 'provisionally rejected' and placed in the receptacle of rejected votes (there is no receptacle for provisionally rejected votes).
- d. If the covering envelope contains a ballot paper but no postal voting statement, the contents should be returned to the envelope, which should be marked 'provisionally rejected' and placed in the receptacle for rejected votes.

Marking the postal voters list and the list of postal proxies⁷⁶

9.17 Where a postal voting statement is returned, regardless of whether it is accompanied by a ballot paper or not, the Returning Officer is required to place a mark in the postal voters list or, as appropriate, in the list of postal proxies to confirm that it has been received.

Checking the postal voting statement and verification of personal identifiers⁷⁷



It should be noted that candidates, agents, representatives of the Commission and accredited observers are permitted to oversee all aspects of the process of checking the postal voting statements for validity and also when personal identifiers are verified.

9.18 The postal voting statement should be checked for validity. It should have:

- a signature in the space provided for the voter to sign
- the voter's date of birth

9.19 Additionally, in the case of those that have been set aside for personal identifier verification, the signature and the date of birth must be compared with those held on the personal identifiers record. The Returning Officer must:

- correlate the ballot paper number shown on the postal voting statement with the ballot paper numbers on the corresponding numbers list so as to determine to whom the postal ballot paper was addressed

⁷⁶ Paragraph 20(9), Schedule 3, NAW (RoP) Order 2007.

⁷⁷ Paragraph 23, Schedule 3, NAW (RoP) Order 2007.

- compare the signature on the postal voting statement with that on the personal identifiers record
- compare the date of birth on the postal voting statement with that on the personal identifiers record

9.20 Where the Returning Officer determines that a postal voting statement is not valid:

- either because a signature or date of birth is missing, or
- in the case of those set aside for personal identifier verification, because the signature or date of birth supplied on the postal voting statement does not match that on the personal identifiers record,

the postal voting statement should be attached to the relevant ballot paper or ballot paper envelope, endorsed 'rejected', shown to any agents present and then placed in the receptacle for rejected votes. If any agent objects to this decision, 'rejection objected to' should be added.

9.21 If the postal voting statement is valid and is accompanied by a ballot paper envelope, the number on the statement should be compared with the number on the ballot paper envelope:

- if they match, each should be placed in the appropriate receptacle (that is, those for postal voting statements and for ballot paper envelopes)
- if they do not match, the ballot paper envelope should be opened and any ballot paper dealt with as follows

9.22 If the postal voting statement is valid and is accompanied by a ballot paper (either because the voter sent no envelope or because the envelope has been opened), the number on

the statement should be compared with the number on the ballot paper:

- if they match, they should be placed, respectively, in the receptacle for postal voting statements and the postal ballot box
- if they do not match, the ballot paper with its postal voting statement attached should be marked 'provisionally rejected' and placed in the receptacle for rejected votes

9.23 If a covering envelope contains a postal voting statement but no related ballot paper or ballot paper envelope, that statement must be marked 'provisionally rejected' and placed in the receptacle for rejected votes.

Opening the postal ballot paper envelopes⁷⁸

9.24 Finally, the remaining ballot paper envelopes are opened and their contents dealt with:

- ballot papers whose numbers match that on the envelope go in the postal ballot box
- ballot papers whose numbers do not agree with that on the envelope should be attached to their envelope, marked 'provisionally rejected' and put in the receptacle for rejected votes
- any ballot paper envelope that does not contain a ballot paper should be marked 'provisionally rejected' and put in the receptacle for rejected ballot paper envelopes

⁷⁸ Paragraph 25, Schedule 3, NAW (RoP) Order 2007.

Verification of postal ballot papers



The ballot papers must be kept **face down** throughout the opening process.⁷⁹

9.25 Even though the Returning Officer is required to keep the ballot papers face down, there may be occasions where candidates and agents see the front of a paper. However, anyone attending the opening of postal votes (including the staff) is forbidden to reveal any information obtained at the opening and must maintain the secrecy of voting.

9.26 Anyone attending must be provided with a copy of the relevant parts of Article 35(4) and (6) of NAW (RoP) Order 2007 (see paragraph 9.12 above). They should be reminded of this requirement and of the penalty, on summary conviction, either of a fine of £5,000 or six months' imprisonment.

Matching up separated documents

9.27 Two separate lists of rejected postal ballot papers must be kept:⁸⁰

- a list of ballot paper numbers for papers received without valid postal voting statements
- a list of ballot paper numbers for postal voting statements received without ballot papers

9.28 At any time before the close of poll, the Returning Officer may check these two lists and if the missing postal voting statement or ballot paper is delivered to the office, the list must be amended accordingly. The provisionally

rejected ballot paper then becomes a valid vote to be included in the count and should be placed in the correct ballot box and the postal voting statement placed in the appropriate envelope. After the final opening, the two lists must be taken to the count to match any ballot papers/postal voting statements that may have been handed in at polling stations.

Postal voting statements and the matching process

9.29 Returning Officers should ensure that all stages of processing the receipt and opening of the postal ballots are recorded. In particular, they should maintain the two lists for each ward. Listing of a postal voting statement or ballot paper should take place during the opening as soon as it is identified and marked as being 'provisionally rejected' for want of the accompanying documentation. This can be an onerous process where levels of postal voting are high. Returning Officers may find the Excel spreadsheet system used by one local authority a useful method and this is on eXtra at www.electoralcommission.org.uk/elections/01.cfm

9.30 At the end of each opening the lists should be kept securely until the next opening or the count, as appropriate. It might also be prudent to print off a copy of the record as it exists at the end of each opening session, recording the process followed in respect of provisionally rejected postal voting statements and ballot papers. Once documents are matched, this should be recorded on the lists to provide a record of actions taken, rather than striking through the relevant numbers or removing them.

⁷⁹ Paragraph 20(8), Schedule 3, NAW (RoP) Order 2007.

⁸⁰ Paragraph 27, Schedule 3, NAW (RoP) Order 2007.

Retrieval of cancelled postal votes⁸¹

9.31 A significant change being introduced for the first time at the May 2007 elections is that of the retrieval of cancelled postal votes from the postal ballot box, and the accompanying postal voting statements from the relevant packet. There may be instances where the Returning Officer determines that a postal ballot paper is no longer valid (for example because a voter claims never to have received their postal ballot paper, but the one issued to them has been returned completed) and needs to remove the postal ballot before the count commences.

9.32 Where a postal vote has not yet been opened, the Returning Officer is permitted to remove the unopened envelope 'A' containing the postal voting statement and the ballot paper when the appropriate postal voters ballot box is opened. The unopened envelope 'A' and the postal voting statement should then be cancelled and sealed in the packet for spoilt postal ballot papers.

9.33 Where a postal vote has been opened and the ballot paper placed in the postal ballot box, the Returning Officer should retrieve the postal voting statement from the appropriate packet and open the postal ballot box to retrieve the relevant ballot paper. The postal ballot box should then be immediately re-sealed. The ballot paper and the postal voting statement should then be cancelled and sealed in the packet for spoilt postal ballot papers.

9.34 In all cases, the retrieval of postal votes and their accompanying postal voting statements should be done in full view of any candidates, agents, representatives of the Commission, or observers present at an official opening session. However, the ballot papers must be kept **face down** throughout the retrieval process so as to prevent any persons present from seeing how the votes have been cast.

⁸¹ Paragraph 26, Schedule 3, NAW (RoP) Order 2007.

10 Postal votes to be included in the count

Receipt of postal ballot papers delivered to the polling station

10.1 Postal ballot papers and/or postal voting statements that have been delivered to polling stations can be delivered to the Returning Officer at the close of poll, in the envelopes allocated for the purpose, at the same time as delivery of the ballot box and other packets.



Returning Officers are permitted to collect any postal ballot paper or postal voting statement that has been delivered to a polling station. In this case, the Presiding Officer should seal the postal ballots into a packet and may also add their own seal. Polling agents can also add their seals to the packet, if they are present.

Opening and verification of postal ballot papers that have been delivered to polling stations

10.2 The postal ballots that have been delivered to polling stations must be opened, and their postal voting statements must be checked, before they can be added to the count.

10.3 If postal votes are handed to the Returning Officer during polling day, they can be opened at a separate opening session before the count (not forgetting that a minimum 20% must be set aside for personal identifier verification at each opening).

10.4 However, it is likely that there will still be some postal votes handed in at polling stations that will be delivered directly to the count by Presiding Officers. Provisions can be put in place to speed up the receipt and opening of

postal votes at the count so that if a large number of postal votes are handed in at polling stations, the opening and verification process of these postal votes does not slow down the whole count.

10.5 Good practice points for managing this process are as follows:

- The packet/envelope containing postal votes from polling stations should be handed in separately from other packets at ballot box reception. This will allow the postal votes to be sent immediately for opening rather than having to search around for them.
- Have a dedicated team comprising an experienced supervisor and staff to open postal votes at the count. These staff should be trained in the opening process.
- Have a contingency of staff available to move onto opening postal votes if the number coming in to the count from polling stations is more than expected.
- Complete the matching process. All provisionally rejected ballot papers and postal voting statements should be taken to the count.



The Returning Officer must set aside a minimum of 20% of the envelopes received at the close of poll from the polling stations for personal identifier verification, and undertake the full signature and date of birth check against the personal identifiers record. Consideration will need to be given as to how this check will be undertaken following the close of poll, particularly if the counting of the votes is to commence immediately after 10pm.

10.6 If the Returning Officer is undertaking the verification by hand, sufficient trained staff will need to be on hand, as will the full copy of the personal identifiers record. If the verification is to be automated, it is essential that the process is checked well in advance of polling day so as to ensure that the automated system will work when called upon to do so, and that contingency plans are robust enough to cope should the system fail for any reason.

10.7 Verified postal ballot papers must be mixed with at least one ballot box of ballot papers from a polling station before they can be counted. They must not be counted separately.⁸²

Form K – statement as to postal ballot papers



It is now a requirement that the Returning Officer must complete Form K – statement as to postal ballot papers – for each ward and send copies to the Commission and to the Secretary of State between 10 and 15 days after polling day.

Contact details for the return of Form K to the Commission will be circulated.

⁸² Rule 55(18)(a), Schedule 5, NAW (RoP) Order 2007.

11 Resources

NOTIFICATION OF SECRECY REQUIREMENTS

National Assembly for Wales (Representation of the People) Order 2007, Article 35

(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 purposes authorised by law, communicate, before the poll is closed, to any person any information obtained at these 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 these 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 ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at these proceedings.

(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 six months.

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

11.1 In order to meet the statutory deadlines and ensure that all ballot papers are sent to the correct address it is vital that all application forms are checked in detail and any questions are referred to your supervisor. Please do not assume anything!

11.2 On receipt, all application forms should be date stamped and have the time of receipt added, if this is critical (i.e. 11 days before

poll for postal votes and six days before poll for proxies).

11.3 Check that the voter is included in the register at the address shown on the form. If shown, the electoral letters and numbers can be written on the form straight away. If not shown on the register, it is possible that the ballot paper address shown in a different part of the form is actually the voter's qualifying address. Check, and if this is the case, accept the form. It is good practice to accept the form, since to reject it simply because the address is in the wrong place on the form

would be an unnecessarily sharp application of the regulations.

11.4 If the voter's surname differs from that shown in the register but the forenames are the same, it is most likely that the surname has changed since the register was revised (either by marriage or deed poll). It is good practice to make a telephone call to the applicant to verify the change of name, and note the result of the call on the application form. If you are unable to contact the voter by telephone, then contact them by letter.

11.5 If the voter's forenames are shown only by initials and not in full, this should be checked with the voter by telephone. Again, the result of the call should be noted on the application form. If you unable to contact the voter by telephone, then contact them by letter.

11.6 If the application is for a proxy vote, check for the reason and attestation if required. If it is either not attested or not properly attested, then it must be rejected. Inform the voter by letter.

11.7 Check the ballot paper address. A reason should be supplied if a voter wants their ballot paper sent to an alternative address. If no reason is supplied, then the application must be rejected. Inform the voter by letter. If you are not sure that the reason is valid, ask your supervisor.

11.8 Although ballot papers can be sent abroad, the voter has little or no understanding of the timescale regarding the printing and issue of postal votes. Good practice would suggest a telephone call to confirm their understanding that there cannot be a guarantee that their ballot papers would reach a foreign destination in time to be completed and returned by polling day. This may convince

them to appoint a proxy and save angry telephone calls on polling day.

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

11.10 Check that the details of the proxy (if applicable) are properly and clearly completed, and that the proxy has indicated assent to being appointed as proxy by signing and dating the appropriate boxes. Note that it is acceptable for the voter to complete these boxes.

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

11.12 Forms that are not signed, do not provide the voter's date of birth and/or have not been dated must be returned to the voter. Inform them by letter. However, where an application that is unsigned is accompanied by a statement giving reasons as to why the voter could not sign it and also providing the name and address of the person who assisted the voter in completing the application, it should be passed to your supervisor.

11.13 Check that the voter has ticked the box for the current election; if not, this should be checked with the voter by telephone. Again, the result of the call should be noted on the application form. If you are unable to contact the voter by telephone, then contact them by letter.

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

- i. those forms which have queries not capable of resolution by telephone
- ii. those forms which are applications for a postal vote for an indefinite/definite period
- iii. those forms which are applications for a proxy vote for an indefinite/definite period
- iv. those forms which are either postal or proxy vote applications for a particular election

11.15 Taking each pile in turn, enter them into the computer system and generate the appropriate letter as necessary.

11.16 The letters relating to applications in category 11.14 (i) above must be processed first, and the letters posted by first class post that day.

11.17 Where a proxy vote application has been allowed, you must inform the voter by letter and send the separate notice to the proxy. Where a postal vote application has been allowed or rejected, you must inform the voter by letter.

11.18 File the forms in category 11.14 (i) in the queries file in polling district/alphabetical surname order.

11.19 File the forms in category 11.14 (ii) and (iii) in the appropriate polling district folder in order of electoral number.

11.20 File the forms in category 11.14 (iv) in the temporary file in polling district/alphabetical surname order.

11.21 Forms for a particular election received after the closing date/time must be refused. Those for an indefinite/definite period can be accepted for future elections. Inform the voter by letter.

11.22 The aim is to complete processing of all forms within the working day on which they are received, and your supervisor will give instructions for the allocation of work among staff in order to achieve this.

Part C – Absent voting

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1 Introduction

The absent voting procedure

1.1 Postal voting has become a major project within the overall election process, in terms of management of staff and resources, technology and dealing with integrity issues. Additionally, postal voting has recently attracted considerable media and public attention both in terms of the management of the process and, more particularly, in terms of integrity issues. Effective planning and preparation are essential to ensuring the success of this part of the administration of the election.



This guidance covers the role of the (Acting) Returning Officer.

Details of the absent voting **application process** and other duties of the Electoral Registration Officer can be found in Part G of *Managing electoral registration in Great Britain: guidance for Electoral Registration Officers* at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/electoral-registration/managing-electoral-registration-services.



Essentials of effective election management: planning for a UK Parliamentary general election considers a project management approach to delivering the election and includes advice on effective procurement and contract management. It can be found at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections.



Combination

Where elections are combined, the relevant Returning Officers can agree to take the proceedings on the issue and receipt of postal ballot papers together. If the poll at a UK Parliamentary election is combined with the poll at another election, (Acting) Returning Officers will need to consider whether this is appropriate, or if the proceedings should be kept separate.

For further information on the split of functions at combined elections, see Part G, 'Combination of polls', Section 2, 'Combination arrangements'.



Cross-boundary constituencies

(Acting) Returning Officers with constituencies that cross local authority boundaries will need to consider what impact this will have on their processes and whether they will need to delegate some of their functions to a senior officer at the other local authority. The (Acting) Returning Officer should liaise closely with the Electoral Registration Officer and election staff at the relevant authority in order to identify any possible issues and how these will be addressed. One possible issue might be register data compatibility. For example, (Acting) Returning Officers will need to establish whether their software system is able to correctly read the data provided by other Electoral Registration Officers.

For guidance on issues related to cross-boundary constituencies, see Section 5, 'What issues are specific to this election?' in *Essentials of effective election management: planning for a UK Parliamentary general election*.

2 Postal voting and integrity

2.1 (Acting) Returning Officers are well placed to identify incidents and patterns of activity that might indicate electoral malpractice. However, the judgment in two Birmingham election petition cases in 2004 made it clear that it is not the role of the (Acting) Returning Officer to investigate possible fraud.

The Returning Officer has no duty to investigate electoral offences and no resources to do so either. More to the point... the Returning Officer has no power to investigate.¹

This is reaffirmed at paragraphs 142 and 143 of the judgment, the former of which also covers some of the functions of the Electoral Registration Officer.

2.2 If any (Acting) Returning Officer has suspicions of fraudulent activity, or receives any allegations about possible absent voting fraud, these should be reported to the police for further investigation. Early liaison with the police Single Point of Contact during the planning process should have highlighted when the key aspects of the postal voting processes are to take place and agreed actions to be taken should any suspicions arise.

Postal voting, houses in multiple occupation and residential establishments

2.3 There is a perception that electoral fraud can be more easily perpetrated in houses in multiple occupation (HMOs) and other multi-electoral establishments. For example, it is sometimes feared that residents in nursing homes, care homes and other sheltered accommodation who rely on carers for assistance might be unduly influenced or have their vote stolen. There is also potential in any HMO or similar multi-electoral establishment where residents do not have a secure mailbox, such as in student accommodation or bedsits, for postal ballots to be intercepted and used fraudulently.

2.4 Visiting domiciliary and care staff may be asked to assist with postal ballots, and each will have access to numerous electors. Where the (Acting) Returning Officer considers it appropriate, they should send letters to offer advice to such care staff and facilities such as care and nursing homes in advance of the election.

2.5 When offering advice, the (Acting) Returning Officer should emphasise:

- that the decision on voting and the elector's vote should be their own
- the need for secrecy when voting
- the Electoral Registration Officer's and the (Acting) Returning Officer's willingness to refer any suspicious application or postal ballot to the police for investigation
- the penalties that may be applied

¹ See Judgment of Commissioner Mawrey QC 4th April 2005, www.hmcourts-service.gov.uk/cms/2384.htm.

- that power of attorney does not allow someone to vote on behalf of another person

2.6 If there is a doubt as to whether postal ballot papers will be correctly delivered, (Acting) Returning Officers could arrange to hand-deliver them to HMOs, and could attempt to identify a responsible person to distribute the envelopes within the property.

3 Absent voting timetable and information

Timetable for absent voting

3.1 The deadline for changes (including cancellations) to existing postal, proxy and postal proxy applications is **5pm, 11 working days** before polling day.² The deadline for new postal and postal proxy applications is also **5pm, 11 working days** before polling day. The deadline for new proxy applications is **5pm, six working days** before polling day.

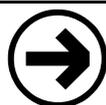
3.2 There is also a provision which allows a proxy to be appointed in the case of an emergency medical condition, illness or disability arising after the deadline for ordinary proxy applications, subject to the appropriate attestation being provided. The deadline for this is **5pm on polling day**.³ Mental health patients who are detained under civil powers are also entitled to appoint a proxy **up to 5pm on polling day**.

3.3 Shortly after these deadlines have passed, the Electoral Registration Officer will be able to provide the (Acting) Returning Officer with the absent voters lists so that postal ballot packs can be produced and proxy voters lists created. The (Acting) Returning Officer should liaise closely with the Electoral Registration Officer regarding the transfer of the data.

3.4 The (Acting) Returning Officer should work closely with the Electoral Registration Officer to agree an efficient and secure method for transmitting notice of successful applications for an emergency proxy: this may be written, verbal or both. Once an emergency proxy application has been accepted, the notification system agreed between the Electoral Registration Officer and the (Acting) Returning Officer should ensure that the proxy is able to exercise their right to vote. The method chosen should be communicated to Presiding Officers as part of their training.

Communicating the absent voting process

3.5 Once a UK Parliamentary general election has been called, there is not much time to inform the public about the various deadlines associated with the absent voting process. It is therefore a good idea to publicise the options available to voters in the run-up to elections as part of the wider communications strategy.



More information is available in Section 13, 'Communications' in *Essentials of effective election management: planning for a UK Parliamentary general election*, available at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections.

² Regulation 56(1), RPR 2001.

³ Regulation 56(3A), RPR 2001.



Once the election has been called, any promotional material about absent voting should provide key information on the absent voting process, including:

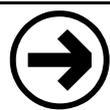
- the deadlines for the receipt of postal and proxy applications (including making changes to any existing arrangement)
- the date on which it is expected that postal ballot packs will be sent out (bearing in mind that factors such as possible printing or postal delays could result in papers arriving later than planned)
- how and when to obtain replacement postal ballot packs and the identification required

4 Proxy voting

4.1 The Electoral Registration Officer will provide the (Acting) Returning Officer with a list of all electors who have appointed a proxy to vote on their behalf.

4.2 Proxies vote in the polling station where the elector was due to vote. If, however, the proxy is unable to attend the polling station in person, they can apply for a postal vote and become a 'postal proxy'. The list referred to above will also contain details of postal proxies. These proxies should be sent a postal ballot pack in the format for postal proxies. In this case, the (Acting) Returning Officer must mark the polling station register with an 'A' so that the Presiding Officer does not allow the elector or the proxy to vote in person at the polling station.

4.3 There are a number of possible scenarios that can occur with regard to electors and their proxies voting in person, and the (Acting) Returning Officer must ensure that Presiding Officers and their staff are well briefed to deal with them appropriately..



The Commission's *Handbook for polling station staff* and *A quick guide for polling station staff* include information on proxy voting at polling stations and can be found at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections.

Limits on numbers of proxies

4.4 A person may not have more than one proxy at any time.⁴

4.5 A person is entitled to vote as a proxy in a UK Parliamentary constituency on behalf of two electors who are not close relatives. A person can additionally act as proxy for any number of the following relatives: spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.⁵ There is no limit to the number of these close relatives on whose behalf a proxy may vote.

4.6 The restriction on voting as proxy for more than two people who are not close relatives (as defined above) applies separately to each constituency. A person could, therefore vote for two electors who are not close relatives in any number of **different** UK Parliamentary constituencies.

4.7 It is not an offence to be appointed as a proxy by more than two people, but it is an offence to vote on behalf of more than two people who are not

⁴ Paragraph 6(2)(a), RPA 2000.

⁵ Paragraph 6(6), RPA 2000.

close relatives (as defined above) in the same constituency at a UK Parliamentary general election.⁶

⁶ Section 61, RPA 1983.

5 The issue and distribution of postal ballot packs

Persons entitled to be present

5.1 The only persons entitled to be present at the issue of postal ballot packs are the (Acting) Returning Officer, their staff, representatives of the Electoral Commission and any observers accredited by the Commission.⁷ Candidates and their agents are not permitted to attend.

Secrecy requirements

5.2 The (Acting) Returning Officer must ensure that every person who is present at the issue of postal ballot packs is given a copy of the secrecy requirements as set out in Section 66(4) and (6) of the RPA 1983.⁸



A copy of the notification of secrecy requirements is provided in the Appendix.

Timing of the issue

5.3 It is the decision of the (Acting) Returning Officer when the issue of postal ballot packs should take place, although postal ballot packs cannot be issued until after 5pm on the eleventh working day before the poll.⁹



Postal ballot packs should be issued to all who have applied as soon as practicable after the deadline for new applications for postal votes and for changes to be made to existing postal votes, 11 working days before polling day. This will in part depend on how quickly the ballot papers can be produced, particularly as production cannot commence until nominations close at 4pm, 11 working days before polling day.

The aim of the (Acting) Returning Officer should be to allow postal voters as much time as possible to complete and return their votes. To achieve this, postal ballot packs should be issued and despatched as soon as possible after close of nominations.

(Acting) Returning Officers may need to consider additional staffing in order to ensure that all postal ballot packs can be issued as early as possible.

Postal ballot packs for service and overseas electors should always be prioritised. They should be sorted and identified to the mail service provider so that they can be sent by the appropriate mail service.

⁷ Regulation 67, RPR 2001.

⁸ Regulation 70, RPR 2001.

⁹ Regulation 71, RPR 2001.

A postal ballot pack cannot be issued to an elector until they have been allocated an elector number, which means that postal voters who have registered under the 11-day rule cannot be sent postal ballot packs until the notice of alteration has been published on the fifth working day before the poll. This means that a final issue and despatch of these postal ballot packs should take place as soon as possible after this time.

Preparation of postal vote stationery

5.4 It is vital to ensure that there are sufficient ballot papers and enough of the other stationery required to be able to meet demand in the event of a late surge in applications. A postal ballot pack consists of:

- a ballot paper
- a postal voting statement
- a ballot paper envelope 'A'
- an outgoing envelope
- a return envelope 'B'

5.5 Both the ballot paper envelope 'A' and the return envelope 'B' should bear the constituency name and the return address of the (Acting) Returning Officer. The (Acting) Returning Officer should consider producing an explanatory leaflet, in graphical format, to assist the voter when marking the ballot paper and completing the postal voting statement.

5.6 There have traditionally been two main methods of preparing postal vote stationery: in-house, whereby postal vote stationery is printed and prepared by election staff or in-house printers; and outsourced printing, whereby postal vote stationery is printed or printed and collated by an external printing house.



For further consideration of production of postal vote stationery including an explanation of the materials that must be produced, see Section 6, 'External partners' and Section 14, 'Postal voting' of the Commission's planning guidance *Essentials of effective election management: planning for a UK Parliamentary general election*, available at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections.

In producing guidance to voters to assist them with completing and returning their postal votes, (Acting) Returning Officers should have regard to *Making your mark*, the Commission's guidance on designing voter materials, which is available at www.dopolitics.org.uk/making-your-mark.

5.7 The legislation requires that the postal voters list and the proxy postal voters list be marked to confirm that a postal voting statement has been received back by the (Acting) Returning Officer.¹⁰ In addition, at any time after the issue of postal ballot packs up to the close of poll, electors are able to ask

¹⁰ Regulation 84(7), RPR 2001; Regulation 84(6), RPR (Scotland) 2001.

for confirmation as to whether their postal vote has been received back and whether it has been recorded on either of the lists of rejected votes.¹¹ These requirements have implications for the production of the postal vote stationery, in that (Acting) Returning Officers will need to ensure that they are able easily to mark the receipt back of postal voting statements on the postal voters list and proxy postal voters list.

5.8 It may be possible to undertake this recording task manually by reference to the ballot paper number required to be printed on the postal voting statement; but where an (Acting) Returning Officer wishes to automate or part-automate the process, consideration will need to be given as to whether the stationery can be produced in-house or will need to be outsourced.

5.9 The (Acting) Returning Officer is also required to produce different forms of postal voting statement for anonymous electors and for those who have been granted a waiver. The postal voting statement for anonymous electors must **not** show the name of the elector; where the elector has been granted a waiver by the Electoral Registration Officer, the signature box on the postal voting statement and any reference to signing in the instructions to voters are to be omitted.¹²



The stationery associated with postal voting is prescribed in legislation. In order to avoid any potential challenge to the postal voting process, the (Acting) Returning Officer must therefore be satisfied that the postal vote stationery used is lawful. The responsibility for complying with the law remains with the (Acting) Returning Officer, even if contractors are used.

For further information on what the postal voter should receive, please refer to Section 14, 'Postal voting' of the Commission's planning guidance *Essentials of effective election management: planning for a UK Parliamentary general election*.

Logistics

5.10 The issue of postal votes is a crucial part of the administration of the election, but the timeframes for issuing postal votes are tight, with the deadline for receipt of postal vote applications being 11 working days before the election.

5.11 This alone can create logistical difficulties for the timely and successful issue of postal votes. When combined with other factors, such as difficulties recruiting staff or large numbers of applications arriving close to the deadline for receipt of applications and delaying the Electoral Registration Officer from sending the final absent vote list to the (Acting) Returning Officer, the issuing

¹¹ Regulation 84A, RPR 2001.

¹² Forms G, H and J, RPR 2001.

of postal votes can become problematic. If not managed correctly, this could potentially put the administration of the election at risk.

5.12 There are, however, measures that can be put in place to reduce the risk to the successful conduct of the election in terms of the production and issue of postal votes, some of which are described below.



The Commission has developed template planning documents to support the (Acting) Returning Officer in identifying and managing the risks specific to their area and circumstances. Evidence of effective risk management is also essential to meeting performance standard 2, as well as being something that would be required by insurers in the event of any challenge to decisions or election results.

These templates can be downloaded from the Commission's website at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections, and have been produced in Word format for adaptation to fit local circumstances.

Practical considerations when issuing postal ballots in-house

5.13 A schedule for issuing postal ballot packs should be developed, which should have within it sufficient flexibility to enable additional issuing to be undertaken, should this prove necessary. It is the responsibility of the (Acting) Returning Officer to appoint sufficient staff to issue postal ballot packs.

5.14 Particular measures that can assist in the smooth running of the issuing process are as follows:

- Trials to establish how long the issue might take and to identify any layout and process improvements.
- Some stationery can be prepared in advance; for example, consider the overprinting of envelopes with the return address and name of the constituency, and the numbering and addressing of outgoing envelopes.
- A layout plan for the teams/process and equipment.
- Prepare boxes of equipment for each main issue, which could include:
 - postal voters list
 - stamping instruments (if being used)
 - corresponding number lists
 - statement of postal votes issued
 - sets of envelopes for the corresponding number lists
 - wire trays
 - pens
 - pencils
 - bulldog clips
 - paper clips
 - rubber bands
 - control sheets
 - rulers
 - pencil sharpeners

- staff signature sheet to check off the staff that attend
- Procure appropriate receptacles to transfer the postal ballot packs to Royal Mail or a commercial delivery firm (if not delivering by hand).
- Talk through the postal ballot pack issue process and have written instructions available for staff. Ensure sufficient supervision is in place, particularly when using staff with little or no experience of issuing procedures.
- Train supervisors to ensure that they can direct the process efficiently and effectively.
- Instruct supervisors to carry out spot checks regularly during each issue of postal ballot packs to ensure that the correct details appear on the ballot stationery and that the correct stationery is in the outgoing envelope.

Procedure for issuing postal ballot packs

5.15 The issuing process can be summarised as follows:¹³

- Each postal ballot paper must bear the official mark (either by being stamped with a stamping instrument or by bearing some other security marking such as a watermark or an underprint), and have a unique identifying mark on the reverse. This unique identifying mark must be unique to the ballot paper and could either be a barcode or take some other form such as the ballot paper number with the addition of a prefix or suffix. Each postal ballot paper must also be uniquely numbered on the back.
- The elector number must be marked on the corresponding number list beside the relevant ballot paper number.
- A mark must be placed in the postal voters list (or the proxy postal voters list as the case may be).
- The number of the postal ballot paper must be marked on the postal voting statement sent with that ballot paper.
- The address to which the postal ballot pack should be sent is the address shown in the relevant postal voters list. In the case of a postal proxy, this is the address shown in the proxy postal voters list.

Further details of the issuing process are given below.

Record keeping

5.16 As postal voters are issued with their ballot papers and envelopes, the corresponding number list and the postal voters list (or the proxy postal voters list, as appropriate) need to be marked.¹⁴

¹³ Regulation 72, RPR 2001.

¹⁴ Regulation 72(2) and (3), RPR 2001.

The corresponding number list

5.17 The corresponding number list records the details of which ballot paper is issued to which postal voter or postal proxy voter, along with the unique identifying mark applicable to each ballot paper. At the issue, the elector number must be marked on the list against the ballot paper number and its unique identifying mark. The corresponding number list to be used at a UK Parliamentary general election is Form L1,¹⁵ which is kept by the (Acting) Returning Officer and is not the same as that to be sent to polling stations.

5.18 The corresponding number list relating to the ballot papers that have been issued must be sealed in a packet as soon as practicable after each issue of postal ballot packs, and can only be opened and inspected by the order of a court.¹⁶ New lists and associated packets are therefore required at every issue. The list could be printed single-sided and cut at the point where the last ballot paper was issued at any single issue of postal ballot packs. The remaining corresponding number list can then be used at any further issuing sessions and for the issue of replacement postal ballot papers.

Postal voters and proxy postal voters lists

5.19 A mark should also be placed on the postal voters or proxy postal voters list as appropriate against the elector's name, to denote that a postal ballot pack has been issued to the elector or their proxy.¹⁷ As postal votes are returned by voters, the (Acting) Returning Officer will be required to mark the return of each postal voting statement on the postal voters and proxy postal voters lists, which will be used to confirm to electors and their proxies whether their postal voting statement has been received back, and whether it has been recorded on either of the lists of rejected votes. After the election, the marked postal voters and proxy postal voters lists will be open for public inspection and made available for sale to the Electoral Commission, elected representatives, candidates, registered political parties and local constituency parties, police forces and government departments.¹⁸

5.20 The marked postal voters and proxy postal voters lists should not be sealed in the appropriate packets until after the final opening of postal ballot papers has been completed, but must be kept secure until that time.¹⁹ Once the final opening of postal ballot papers is completed, the packets containing the marked postal voters and proxy postal voters lists should be sealed and stored in a secure place.²⁰

5.21 The marked postal voters and proxy postal voters lists may be held in electronic form. If this is the case, at the end of the process the electronic copy should be transferred to a physical form (for example burned onto a CD-Rom) and sealed into the packets. A paper copy of the marked lists should also be made and stored in the packets, ensuring that accidental erasure of the electronically stored data does not result in loss of the lists.

¹⁵ Appendix of forms, RPR 2001.

¹⁶ Regulation 75(1) and (2), RPR 2001.

¹⁷ Regulation 72(3), RPR 2001.

¹⁸ Regulations 117 and 118, RPR 2001.

¹⁹ Regulation 75, RPR 2001.

²⁰ Regulation 84, RPR 2001.

Despatch

5.22 The (Acting) Returning Officer has a choice of three means for the delivery of postal ballot packs:²¹

- a universal service provider, within the meaning of the Postal Services Act 2000
- a commercial delivery firm
- staff appointed for the purposes of the election

5.23 If using a universal service provider or a commercial delivery firm for the delivery of postal ballot packs, the number of envelopes must be counted and a receipt signed by those collecting the envelopes must be handed over to the (Acting) Returning Officer.²² Arrangements for collection of postal ballot packs being issued should be made in advance, with clear communication of the schedule for issuing.

5.24 If not delivering by hand using the (Acting) Returning Officer's staff, postage must be pre-paid on the outgoing envelope, which is addressed to the postal voter. Postage must also be paid on all return envelopes, except where postal votes are being returned from outside the United Kingdom.²³

5.25 Staff can be appointed by the (Acting) Returning Officer to deliver the postal ballot packs by hand. Staff appointed by the Electoral Registration Officer as canvassers may be suitable for delivering postal ballot packs, as they will be familiar with a particular area. However, staff delivering postal ballot packs may not be a suitable option in all types of area, and this will be for the (Acting) Returning Officer to decide on the basis of local circumstances.

5.26 (Acting) Returning Officers using their own staff for delivery could use their electoral management system to assist with sorting the postal ballot packs into local, non-local and non-UK addresses. Each will require a different delivery method depending on their type.

Postal ballot packs to be delivered overseas

5.27 There will be some postal voters who will require their postal ballot packs to be sent outside the UK. This will include overseas electors, service voters based overseas, and also some electors who are normally resident in Great Britain but request that their postal ballot pack be sent to an overseas address, for example because they are on holiday at the time of the election.

5.28 The (Acting) Returning Officer should ensure that any postal ballot packs to be sent overseas are prioritised and sent out as soon as possible after 5pm on the eleventh working day before the poll, ideally via air mail (or British Forces Post Office for relevant armed forces service voters) to allow sufficient

²¹ Regulation 76, RPR 2001.

²² Regulation 76(2), RPR 2001.

²³ Regulation 76(3) and (4), RPR 2001.

time for the postal ballot pack to reach the elector and for the ballot paper to be received back before 10pm on polling day.

5.29 The (Acting) Returning Officer should liaise with Royal Mail about the higher cost of postage for sending items overseas to ensure that postal ballot packs are posted with the correct outgoing postage. Return postage is not required to be included on the return envelope if the address provided by the elector is outside the UK.



Where it may not be realistic for a postal ballot pack to be despatched, reach the voter and be returned to the (Acting) Returning Officer before the close of poll, consideration should be given as to whether the elector should be advised to appoint a proxy as an alternative. It is, of course, the choice of the elector as to which method of voting they prefer; but it is important to advise the elector of the circumstances surrounding their choice so that they can make an informed decision.

Local delivery

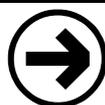
5.30 If postal ballot packs being sent to local addresses are to be delivered by a universal service provider or commercial delivery firm, outgoing postage will be required. Clearly, if the (Acting) Returning Officer's staff are delivering postal ballot packs, no outgoing postage will be required, although there will be a cost in staff fees and time. However, postage must be pre-paid on the 'B' return envelope.

Non-local delivery

5.31 It is not feasible for the (Acting) Returning Officer's staff to deliver postal ballot packs to addresses that are not in the local area. Therefore all non-local postal ballot packs will require outgoing postage and will need to be delivered by a universal service provider or commercial delivery firm.

Royal Mail good practice guidance

5.32 Royal Mail has produced guidance on postal voting, which covers the establishment of working relationships with relevant staff at Royal Mail. This guidance should be referred to by those planning to use Royal Mail to deliver postal ballot packs.



Royal Mail's guidance can be downloaded from www.royalmail.com/postalvoting.

Re-issuing postal ballot packs

5.33 Occasionally envelopes, postal voting statements and ballot papers may be mismatched in packs, ballot papers may contain mistakes, or the additional information provided in the ballot pack may contain an error.

5.34 (Acting) Returning Officers can correct procedural errors and they should attempt to rectify any such errors.²⁴ Although there is no direct provision to re-issue postal ballot packs, the Commission believes that this power to rectify procedural errors can be read to encompass this process. The (Acting) Returning Officer may decide to re-issue some or all of their postal ballot packs depending on the circumstances: for example, if an error in collation affected a certain range of packs, only those packs may need to be re-issued.

5.35 The (Acting) Returning Officer must be certain that any action will both rectify the error and not cause extra confusion or a different error. They should be confident that they know what went wrong and that their intended course of corrective action will be satisfactory.

5.36 When a postal vote has been re-issued the original ballot paper must be cancelled and must not be allowed to go forward to the count.

5.37 In the case of some errors, such as when the ballot paper has been printed correctly but the additional instructions contain an error as to the number of candidates to select, it may be appropriate to re-issue only to those who have requested a new postal ballot pack after having received an offer of re-issue from the (Acting) Returning Officer. If the decision is taken to re-issue to all postal voters in that area, those who were not present to receive the re-issued ballot pack could effectively be disenfranchised even though their choice may be quite clear on the face of the ballot paper.

5.38 If the (Acting) Returning Officer does decide that a re-issue is required and the error is one that may make the ballot paper or postal voting statement unusable, the (Acting) Returning Officer should consider re-issuing the postal ballot packs rather than simply offering to re-issue them. Such circumstances may include instructing the voter on the top of the ballot paper itself to mark an incorrect number of candidates, placing an emblem for the wrong party against a candidate on the ballot paper or omitting a candidate from the ballot paper.

5.39 Any actions taken in an attempt to rectify a procedural error should be made with legal advice and carefully recorded. Both the error and any corrective action taken must be documented in case there is a challenge to the election.

Late issue of postal ballot packs

5.40 The prescribed poll card for postal voters includes a date around which ballot packs will be sent out. The wording used clearly indicates that the date given is not a specific, guaranteed date but is the approximate date of issue, provided for the information of postal voters.

5.41 There is no prescribed last date for the issue of postal ballot packs, however the earlier they are distributed the more opportunity electors have to complete and return their postal votes.

²⁴ Section 46, EAA.

5.42 (Acting) Returning Officers should keep a written record of their actions in order to show that they made every possible effort to ensure that postal ballot packs were despatched as soon as possible in the event of any question as to the proper conduct of the election.

6 Replacement postal votes

Replacement of spoiled ballot papers



An elector may apply for a replacement if they have spoiled either their ballot paper or their postal voting statement.

Applications for a replacement must be made to the (Acting) Returning Officer by 5pm on polling day.

6.1 If a person spoils their postal ballot paper or postal voting statement, it is possible for them to obtain a replacement postal ballot pack if they follow the procedure below.²⁵

6.2 The spoiled ballot paper or spoiled postal voting statement should be returned to the (Acting) Returning Officer, along with the remaining ballot paper or postal voting statement, return envelope 'B' and ballot paper envelope 'A', regardless of whether or not these have been spoiled. A new postal ballot pack (ballot paper, postal voting statement and relevant envelopes) can then be issued to the elector.

6.3 Where an application is made before 5pm on the day before the poll, the (Acting) Returning Officer may either hand a replacement postal ballot pack to the elector or cause it to be delivered to them. However, if the request for a replacement postal ballot pack is made after 5pm on the day before polling day, the replacement pack may only be handed to the elector.

6.4 Any returned spoiled ballot papers and postal voting statements have to be cancelled, and these documents should be sealed in a packet for spoiled postal ballot papers. The details of the returned spoiled ballot papers should be added to the list of spoiled postal ballot papers. This is an official document that records specified details where replacement papers have been issued, including to whom they have been issued.

Replacement of lost ballot papers



Prior to issuing a replacement for a postal ballot pack that has been lost²⁶ or not received by the voter, the (Acting) Returning Officer should check whether the postal voting statement originally issued has been marked as having been returned on the postal voters list or proxy postal voters list, as appropriate. If the postal voting statement has been marked as returned, the (Acting) Returning Officer must remove the original postal voting statement from the receptacle for postal voting statements and the ballot paper from the postal ballot box at a postal vote opening.²⁷ This is described further in Section 7, 'Receipt, opening and storage of postal votes', 'Retrieval of cancelled postal votes', below.

²⁵ Regulation 77, RPR 2001.

²⁶ Regulation 78, RPR 2001.

²⁷ Regulation 86A(2), RPR 2001.

Prior to sealing the retrieved postal voting statement in a packet (see below), the (Acting) Returning Officer should use their powers to conduct an additional personal identifier verification²⁸ and compare the signature and date of birth on the statement with those contained in the personal identifiers record. If they are significantly different, the (Acting) Returning Officer should consider reporting the matter to the police in accordance with the Commission's guidance on preventing and detecting fraud.

6.5 Where a voter claims either to have lost or not to have received their postal ballot paper, postal voting statement or return envelopes 'A' and 'B', it is possible for a replacement postal ballot pack to be issued if the voter follows the procedure below.



Note that the description 'lost' includes the situation where the voter has lost their ballot paper, postal voting statement or envelopes after receiving them from the (Acting) Returning Officer, in addition to the situation where the voter claims not to have received their postal ballot pack.

As postal voters may now request, at any time after the issue of postal ballot packs and before the close of poll, confirmation as to whether their postal voting statement has been marked as having been returned on the postal voters list or proxy postal voters list (as appropriate), electors who make such enquiries and are advised that their postal voting statement has not been received could potentially make a request to be issued with a replacement postal ballot pack.

The (Acting) Returning Officer can only refuse the request to replace the postal ballot pack if they:

are not satisfied as to the identity of the voter (see below)
have reason to doubt that the elector has not received it or that they have lost their ballot paper, postal voting statement or envelopes

6.6 A voter can apply for a replacement postal ballot pack between the fourth working day before polling day in England and Wales, or the third working day before polling day in Scotland, and 5pm on polling day. The application must include details of the voter's identity.²⁹ If the voter still has the ballot paper, postal voting statement and/or return envelopes 'A' and 'B', they must also return whichever of these postal voting documents they still have.

6.7 Where an application is made before 5pm on the day before the poll, the (Acting) Returning Officer may either hand a replacement postal ballot pack to the elector or cause it to be delivered to them. However, if the request for a replacement is made after 5pm on the day before polling day, the replacement pack may only be handed to the elector.

²⁸ Regulation 85B, RPR 2001.

²⁹ Regulation 78(1), RPR 2001.

6.8 In the case where an elector has lost any part of their postal ballot pack , they must return the remaining parts to the (Acting) Returning Officer when applying for a replacement. The (Acting) Returning Officer must cancel these documents and make them up into a separate, sealed packet. This packet can subsequently be opened and additional cancelled documents added, if necessary.

6.9 A list of lost postal ballot papers is required to be completed by the (Acting) Returning Officer to show details of where replacements have been issued.

6.10 The (Acting) Returning Officer must be satisfied as to the postal voter's identity and have no reason to doubt that either they have lost or did not receive the original postal ballot pack. (Acting) Returning Officers will take their own view as to what they require in the way of identification in order to be satisfied as to the voter's identity. However, we have included some considerations and recommendations regarding proof of identity below.

Proof of identity

6.11 (Acting) Returning Officers will wish to balance the effort required to satisfy themselves of an elector's identity with the proper administration of the election process. In seeking proof of identity, (Acting) Returning Officers should bear in mind that no proof of identity is required for electoral registration or to vote in person at a polling station. A proportionate approach should be adopted that seeks to use some proof of identity that can easily be verified by election staff but that is not too onerous for the elector.

6.12 It is common practice for voters to contact the election office by telephone to enquire about a replacement ballot pack if their postal vote has failed to arrive. This is when elections staff should advise about the procedure and what, if any, proof of identity will need to be produced before a replacement postal ballot pack is issued.

6.13 (Acting) Returning Officers may wish to be guided by the following recommendations in preparing an appropriate procedure for satisfying themselves as to the identity of an elector requesting a replacement postal ballot pack.

Recommendation 1

6.14 One primary proof of identity should be provided for the issue of a replacement postal ballot pack. This should be an official document that includes a photograph of the elector, together with the elector's name. The two most secure examples are:

- valid, current passport
- photocard driving licence

6.15 Other documents may be acceptable as primary proof, as long as they have a sealed photograph. Examples include:

- local bus pass
- student card issued by a recognised further or higher education body
- identity card issued by a recognised local employer

6.16 Some electors may have a good reason for being unable to produce one of these proofs of identity – for example, those with a cultural tradition that precludes photographic images. In these circumstances, it is recommended that they should provide two examples drawn from the list of secondary proofs of identity.

Recommendation 2

6.17 If the (Acting) Returning Officer still has any doubt about the identity of an elector requesting a replacement postal ballot pack, then a secondary proof of identity can be sought. Two secondary proofs of identity may also be requested if the elector cannot produce a primary proof.

6.18 Secondary proofs of identity include:

- full driving licence (without photograph)
- council tax payment book or recent council tax bill
- council or social landlord rent book
- recent rent receipts or tenancy agreement
- allowance, benefits or pension book issued by the Department for Work and Pensions
- cheque book, cheque card or National Savings book
- recent bank or building society statement (not a store card statement)
- recent utility bill (two different ones are preferred – not mobile phone bill)
- P45
- correspondence from a government department
- identity card issued by a member state of the European Union/European Economic Area, travel document issued by the Home Office, or certificate of naturalisation or registration
- letter (attested statement) from a responsible person such as a solicitor, doctor, minister of religion, magistrate, teacher, hostel manager, social worker, district nurse, midwife or other responsible person, which says they know the elector and can confirm their name and address – some (Acting) Returning Officers may include the elector's landlord or tenant in this category, and possibly stipulate that they must be on the electoral register
- National Health Service medical card or National Insurance card
- birth, adoption, marriage, civil partnership, divorce or statutory declaration certificates (these should preferably have been issued within six months of the event to which they refer and not be replacements)

6.19 The following points should also be considered:

- For added security, originals, not photocopies, of the proof of identity should be produced.
- The evidence provided by the voter should show a clear link between the name on the identifying document and the current entry on the electoral register.
- Birth certificates are not absolute proof of identity and so the voter may be asked to provide additional evidence to allow their identity to be checked.
- Where utility bills or bank statements are provided, they should be recent (issued within the last three months).
- Cheque, bank or credit cards should be checked against the voter's signature.
- Before an attestation is sought, the voter should be advised that some signatories may charge a fee for the service.
- The (Acting) Returning Officer should state that proof of identity will not be retained and that the documents will be treated confidentially.

Tendered ballot papers

6.20 Electors marked as absent voters but who attend at the polling station after 5pm on polling day and claim that they have lost or not received their postal ballot packs can be issued with a tendered ballot paper on satisfactorily answering the prescribed questions.³⁰

6.21 If, however, such an elector arrives at a polling station before 5pm on polling day, the elector should be encouraged to apply to the (Acting) Returning Officer's office to have a replacement postal ballot pack issued. Tendered ballot papers cannot be issued to such electors until after the deadline to apply for replacement postal ballot packs has passed.



More detailed information on the tendered ballot paper procedure is included in the Commission's *Handbook for polling station staff*, which is available to download from the Commission's website at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections.

³⁰ Rule 40(1ZD), PER.

7 Receipt, opening and storage of postal votes

7.1 This process involves the following tasks:

- counting the returned ballot paper packs
- secure storage of ballot paper packs until an official opening
- regular openings under the scrutiny of candidates, agents and observers
- verification of postal voting statements at the opening against the personal identifiers record
- recording the number of postal ballot papers sealed in the postal ballot box
- sealing and secure storage of postal ballot boxes and secure transportation of them to the count

Receipt of postal votes

7.2 A postal ballot paper or a postal voting statement may be returned separately, by post or by hand to the (Acting) Returning Officer's office, or by hand only to any polling station in the constituency, before the close of poll.³¹

7.3 The postal ballot paper and/or the postal voting statement do not have to be returned in the covering envelope issued to the voter – the voter may use their own envelope.

Security of postal votes received

7.4 All postal votes received by the (Acting) Returning Officer, either at their office or at a polling station on polling day should be securely stored in appropriate receptacles. There should be a clear, written, audit trail for all postal votes received back.

7.5 Postal ballot packs returned to the office of the (Acting) Returning Officer should be stored in a postal voters ballot box, marked with the words 'postal voters ballot box' and the name of the constituency.³² All postal voters ballot boxes should be capable of being sealed to ensure the security of the contents, and should be stored in a secure place until the next scheduled opening of postal votes.

7.6 (Acting) Returning Officers should take every precaution to transport postal votes securely to the opening and count venues, particularly if these are not in the same building as the election office. (Acting) Returning Officers should designate an officer to ensure that all postal votes returned to the office of the (Acting) Returning Officer before the close of poll are taken securely to the count.

7.7 Postal votes returned to polling stations must be stored securely and out of the reach of those entitled to attend the polling station. (Acting) Returning

³¹ Rule 45(1B), PER; Regulation 79, RPR 2001.

³² Regulation 81(1) and (2), RPR 2001.

Officers should emphasise to Presiding Officers the importance of maintaining the security of the returned postal votes, as they do with regard to the ballot box and other election documents.

Postal votes delivered to the polling station



It is important to reduce to an absolute minimum the number of returned postal votes that have yet to be opened when the polls close. This means ensuring that they are collected from polling stations throughout the day and that there is appropriate capacity to open them before and after the close of poll to deal with those delivered just before the poll closes.

7.8 In polling stations, the (Acting) Returning Officer should provide packets clearly labelled as containing postal votes returned by hand to the polling station, marked with the number of the polling station.

7.9 Ensure that the size of the packets is adequate to take a large number of returned postal votes in case more are received in this way than has previously been the case. Whatever the size or nature of the packet, it must be capable of being properly sealed and secured before being removed from the polling station.³³

7.10 More than one packet should be supplied to the Presiding Officer so that when the (Acting) Returning Officer, or a person authorised by them, collects postal votes from the polling station during polling day, the postal votes already received can be transmitted in one packet while the Presiding Officer still retains a packet for any further postal votes handed in at the polling station before the close of poll.



Sealing the packets

The Presiding Officer must seal the postal votes into a packet.³⁴

Any candidate, agent or polling agent present when votes are being collected may attach their own seal to the packet after the (Acting) Returning Officer's staff have attached their seal. This seal should be shown to any candidates and agents present at the postal vote opening before it is broken.

7.11 As an added security measure, which would also assist at the count, Presiding Officers should record the number of postal vote envelopes handed in at the polling station. The (Acting) Returning Officer should provide a suitable form that can be inserted and sealed in the packet when collected by the (Acting) Returning Officer or delivered to them at the close of poll. As a further security measure, Presiding Officers could also be asked to keep a record of the number of envelopes inserted in each packet returned to the (Acting) Returning Officer, in order to confirm that the packet has not been tampered with or the number of envelopes contained within it changed.

³³ Regulation 79(3)–(5), RPR 2001.

³⁴ Regulation 79(5), RPR 2001.

7.12 The receipt of all packets containing postal ballot papers should be recorded on their arrival at the count centre where they are to be opened after the close of poll.



For further information on polling station procedures, see the Commission's *Handbook for polling station staff*, available at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections.

For more information on procedures at the verification and count, see Part E, 'Verification and count', Section 3, 'The verification and count processes'.



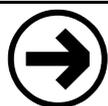
Further guidance on planning for postal vote opening can be found in Section 14, 'Postal voting' of *Essentials of effective election management: planning for a UK Parliamentary general election*, available at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections.

Recording and evidencing actions



Recording the receipt and movement of postal votes is crucial. It is advisable to have a schedule recording the totals of postal votes received at the (Acting) Returning Officer's office and placed in a postal voters ballot box, and the subsequent movement of those boxes to opening and count venues. (Acting) Returning Officers may wish to include in this record whether the covering envelopes were hand-delivered by voters, and to which location, or received from Royal Mail. Ensure that there is a clear audit trail.

7.13 (Acting) Returning Officers may wish to provide Presiding Officers with a form on which to record the details of electors who attend a polling station and are marked as being absent voters but who claim not to have applied for a postal or proxy vote. Recording the name, address, and elector number of such electors should enable the Electoral Registration Officer to write to those people after the election and could also provide invaluable evidence in any police investigation.



An example log is available to download from the Commission's website at www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections.

Procedures for the issue of tendered ballot papers are covered in detail in the Commission's *Handbook for polling station staff*.

The opening process



A UK Parliamentary general election presents challenges for those (Acting) Returning Officers whose constituency crosses a boundary between two local authorities. More details on factors to be considered when planning the opening process can be found in Section 5, 'What issues are specific to this election?' in *Essentials of effective election management: planning for a UK Parliamentary general election*.

7.14 (Acting) Returning Officers will need to consider the frequency and timing of postal vote opening sessions.

7.15 In addition to determining what will be necessary in order to carry out the personal identifier verification efficiently and effectively, the requirement to be able to respond to electors requesting confirmation of whether their postal voting statement has been marked as having been received back should also be considered, and an appropriate system established to respond to any such enquiries.

Persons present at opening

7.16 Candidates, election agents, agents appointed specifically for the purpose of observing the opening of postal votes, representatives of the Electoral Commission and observers accredited by the Commission are entitled to attend opening sessions.³⁵ The postal voters ballot boxes must be opened in the presence of any such persons attending the opening session.³⁶

7.17 Transparency is essential to ensure confidence in the process. (Acting) Returning Officers should ensure that the candidates and agents present are aware of the tasks that are being undertaken at the opening and that they have the opportunity to scrutinise the activities being undertaken.

Notification of time of opening

7.18 The (Acting) Returning Officer must give at least 48 hours' written notice of each opening session to each candidate; this should specify the time and place of the opening, and the number of agents a candidate may appoint to attend each opening.³⁷ The agent of each candidate should also be informed of the time and location of the opening sessions.

³⁵ Regulation 68, RPR 2001.

³⁶ Regulation 83(1), RPR 2001.

³⁷ Regulation 80, RPR 2001.

Notification of requirement for secrecy

7.19 The (Acting) Returning Officer must ensure that every person attending the opening of postal votes is given a copy of the secrecy requirements contained in Section 66(4) and (6) of the RPA 1983.³⁸



A copy of the secrecy requirements is supplied in the Appendix.

Postal ballot boxes and packets

7.20 Two types of ballot box are required: the postal voters ballot box and the postal ballot box. Sealable packets are required for each polling station for postal votes returned to the Presiding Officer.

7.21 The **postal voters ballot box** is used to keep any returned postal votes. Any postal ballot papers and postal voting statements that are delivered separately should also be placed in the postal voters ballot box.

7.22 Where the (Acting) Returning Officer is responsible for two or more constituencies, the returned postal votes should be sorted by constituency before being placed in the appropriate postal voters ballot box for that particular constituency.

7.23 A record should be kept of the total number of envelopes received on a daily basis: this should then be used for audit purposes and checked against the opening when the number of envelopes will be counted officially. This record can also be used to guide the arrangement of opening sessions.

7.24 Packets for postal votes returned to polling stations should be produced containing a polling station identifier and which should be able to be securely sealed. At least two should be provided, to allow collection during polling day and the final delivery by the Presiding Officer to the count venue at the end of the poll. Records of all such packets should be kept so that each one is accounted for before the end of the last postal vote opening.

7.25 **Postal ballot boxes**, each marked with the words 'postal ballot box' and the name of the constituency, should be provided at each opening of the postal voters ballot box. The postal ballot boxes will be used to store the postal ballot papers which are to go forward to the count from each opening of postal votes.

7.26 **All** postal ballot boxes and packets should be sealed and stored securely until the count. It is important that each postal voters ballot box, postal ballot box and packet for postal votes returned to polling stations is accounted for during the election so that the (Acting) Returning Officer can ensure that all postal votes are opened and valid votes reach the count.

³⁸ Regulation 70, RPR 2001.

7.27 A clear audit trail should be made, including a written note of all such boxes and packets that have been issued. This should be amended when the contents are processed at each stage.



The (Acting) Returning Officer must be sure that all of these items are accounted for before completing the verification of the ballot papers at the count.

As the postal ballot boxes are the first boxes to be opened and verified, it is particularly important that the number on the ballot paper account for these boxes is accurate, as a correctly verified set of postal ballot boxes will create confidence at the beginning of the verification and count process.

Opening the postal voters ballot box

7.28 When the postal voters ballot box is opened, the first step is for the (Acting) Returning Officer's staff to count and record the number of covering envelopes.³⁹ The (Acting) Returning Officer must then set aside a minimum of 20% of the envelopes in each postal voters ballot box for personal identifier verification.⁴⁰ The total numbers received and put forward for personal identifier verification will need to be recorded for the statement as to postal ballot papers – Form K – which is completed at the end of the election.



The Commission strongly believes that 100% of personal identifiers should be verified. Not only does 100% verification mean that every postal vote will have been verified to minimise the risk of fraud, but it also results in every postal vote being treated equally, and in one administrative process for all postal votes rather than two separate processes being operated side by side.

If the (Acting) Returning Officer decides to verify less than 100% of postal voting statements at each opening session, it is important that those set aside for personal identifier verification are kept separate from those that are not going to be subject to the more detailed check. Postal voting statements that are going to undergo personal identifier verification need to be independently accounted for and sealed in packets separate from those that do not have the personal identifier verification undertaken. However, the same basic opening process applies to all postal votes.

A marked copy of the postal voters list showing every returned postal voting statement (whether it was verified or not) is required to be produced by the (Acting) Returning Officer. Information from this marked copy must be available to confirm the receipt of a voter's postal voting statement on request by a postal voter. 100% verification using an automated system may help to simplify this task.

³⁹ Regulation 84(1), RPR 2001.

⁴⁰ Regulation 84(1A), RPR 2001.

The (Acting) Returning Officer may choose to check more than 20% but less than 100% of the postal voting statements at this stage. Where less than 100% of postal voting statements are to be verified at any given postal vote opening, the (Acting) Returning Officer should explain to candidates and agents, as well as to any representatives of the Commission or accredited observers present, what the sample selected is and how that sample size was arrived at.

Where an (Acting) Returning Officer has made the decision to verify the minimum 20%, or a sample between 20% and 100%, of postal voting statements at each opening, the regulations provide a power to go back and verify the identifiers on any or all of the postal voting statements from previous opening sessions that were not originally subject to the verification of identifiers.⁴¹ This power should be exercised at the (Acting) Returning Officer's discretion, and reasonably and consistently. This could be complicated from an administrative perspective, as (Acting) Returning Officers will need to retrieve any ballot papers deemed invalid as a result of the additional verification. Again, the (Acting) Returning Officer should explain to candidates and agents, as well as to any representatives of the Commission or accredited observers present, why the sample size has been increased.

7.29 Each covering envelope should be opened. On occasions, not all parts of the postal vote will have been returned or placed in the correct envelope:

- If the covering envelope contains a postal voting statement and either a ballot paper envelope or ballot paper without the envelope, the postal voting statement should be handled as in 'Checking the postal voting statements and verifying personal identifiers', from paragraph 7.40 onwards, in order to check whether it is valid. The receipt of the postal voting statement should be marked on the postal voters list (or proxy postal voters list as the case may be).
- If no postal voting statement is visible, but there is a ballot paper envelope, the envelope should be opened to see whether or not the postal voting statement is inside. If it is, it can again be handled as in 'Checking the postal voting statements and verifying personal identifiers', from paragraph 7.40 onwards.
- If the covering envelope contains a postal voting statement but no ballot paper envelope or ballot paper, the receipt of the postal voting statement should still be marked on the postal voters list (or proxy postal voters list as the case may be). The contents should then be returned to the envelope, which should be marked 'provisionally rejected' and placed in the receptacle for rejected votes (please note that there is no receptacle for provisionally rejected votes).
- If the covering envelope contains a ballot paper but no postal voting statement, the contents should be returned to the envelope, which should be marked 'provisionally rejected' and placed in the receptacle for rejected votes.

⁴¹ Regulation 85B, RPR 2001.

- After every opening it is recommended that a matching of postal voting statements that have been received without a ballot paper envelope and ballot paper envelopes that have been received without a postal voting statement should be undertaken, so as to reduce burden on the last postal vote opening.

Opening and verification of postal votes that have been delivered to polling stations

7.30 Postal votes returned to the (Acting) Returning Officer's office during polling day and those returned to polling stations and collected by the (Acting) Returning Officer during polling day must be opened and their postal voting statements processed in the same way as those returned by post. A minimum of 20% of each postal voters ballot box must be set aside for personal identifier verification at each opening.

7.31 Postal votes returned to polling stations that have not been collected during polling day must be delivered to the (Acting) Returning Officer by Presiding Officers after the close of poll. Adequate resources should be allocated for the opening of postal votes after close of poll, so that any delay to the count is minimised. Again, these must be dealt with in the same way as those returned by post, and a minimum of 20% of each postal voters ballot box must be set aside for personal identifier verification at each opening.

7.32 Some key points to consider in managing this process are as follows:

- The packets containing postal votes from polling stations should be handed in separately from other packets at the ballot box reception area. This will enable the postal votes to be sent immediately for opening and will obviate the need to search for them.
- The (Acting) Returning Officer should have an audit trail to ensure that all packets for postal vote packs can be accounted for.
- Have a dedicated team comprising an experienced supervisor and staff to open postal votes after the close of poll. These staff should be experienced in the opening process.
- Have a reserve of staff available to move onto opening postal votes if the number coming into the count from polling stations is greater than expected.
- Complete the matching process continuously throughout the election, so that only the provisionally rejected items from the final postal votes and from any other previous opening that have not yet been able to be matched need to be matched after the polls have closed.



The (Acting) Returning Officer must set aside a minimum of 20% of the envelopes received at the close of poll from the polling stations for personal identifier checking, and undertake the signature and date of birth check against the personal identifiers record. Consideration will need to be given as to how these checks will be undertaken following the close of poll, particularly if the counting of votes is to commence immediately after 10pm.

The (Acting) Returning Officer should check the same proportion of postal votes received from polling stations as of those received by post, to avoid the postal votes returned by one method being treated differently from those returned by another method.

Confirming receipt of postal voting statements

Marking the postal voters list and the proxy postal voters list

7.33 There is a requirement for the (Acting) Returning Officer to produce a marked postal voters list,⁴² which is produced by marking the postal voters list and proxy postal voters list on the return of each postal voting statement.⁴³

7.34 When a postal voting statement is returned, regardless of whether or not it is accompanied by a ballot paper, the (Acting) Returning Officer is required to place a mark on the postal voters list or, as appropriate, on the proxy postal voters list to confirm that it has been received back.

7.35 The (Acting) Returning Officer must use this list to confirm, on request from a postal voter, whether or not their postal vote has been marked as received back by the (Acting) Returning Officer.⁴⁴



The automated verification of 100% of postal vote personal identifiers will provide the opportunity to automate the creation of a marked postal voters list and one that can be used for confirming the receipt of a postal voting statement.

7.36 It is important to note that the (Acting) Returning Officer must confirm whether the number of the ballot paper issued to the elector or their (postal) proxy has been recorded on either of the two lists that are required to be kept and used for matching up documents where either the postal voting statement or the ballot paper has been received without the other.

7.37 Where a request for such confirmation is received, (Acting) Returning Officers are required to satisfy themselves that the request has been made by the elector or their proxy before providing the confirmation. The regulation does not specify how requests are to be made or received, and many requests may be made by telephone in the first instance. It will be for the

⁴² Regulation 84(7), RPR 2001; Regulation 84(6), RPR (Scotland) 2001.

⁴³ Regulation 84(6), RPR 2001.

⁴⁴ Regulation 84A, RPR 2001.

(Acting) Returning Officer to determine how they are satisfied in any particular case.

Checking the postal voting statements and verifying personal identifiers



Candidates, agents, representatives of the Electoral Commission and accredited observers are permitted to oversee all aspects of the opening process, including the checking of the postal voting statements for validity and the verification of personal identifiers. Where electronic systems are being used, it should be noted that those attending, including observers, do not have the right to operate or test any scanners or software being used.

Checking the postal voting statements

7.38 Each postal voting statement must be checked for validity. It should have:⁴⁵

- a signature in the space provided for the voter to sign in, and
- the voter's date of birth

7.39 It should be noted that in the case of electors for whom a waiver has been granted, the postal voting statement will not contain the section asking for a signature and the signature box. Postal vote opening staff should be given clear instructions on the process to follow when they find such a statement, and told that in such an instance they should be looking for a date of birth only.

7.40 Additionally, in the case of postal voting statements that have been set aside for personal identifier verification, the signature and date of birth must be compared against those held on the personal identifiers record. The (Acting) Returning Officer must, as part of their requirement to check that the postal voting statement is duly completed:

- correlate the ballot paper number shown on the postal voting statement with the ballot paper number on the corresponding number list, so as to determine to whom the postal ballot paper was addressed
- compare the signature on the postal voting statement with that on the personal identifiers record relating to the person to whom the postal ballot paper was addressed
- compare the date of birth on the postal voting statement with that on the personal identifiers record relating to the person to whom the postal ballot paper was addressed

7.41 It should be noted that this level of checking will mean that each elector will need to complete their own statement: there is no provision permitting the

⁴⁵ Regulations 84, 85 and 85A, RPR 2001.

matching of a completed statement with identifiers provided by others in the same household.



It is essential that (Acting) Returning Officers include the elector's name on the postal voting statement as prescribed, except in the case of anonymous electors, in order to minimise the potential for family members to complete one another's postal voting statements in error.

7.42 Where the (Acting) Returning Officer determines that a postal voting statement is invalid:

- either because a signature or date of birth is missing
- or, in the case of those set aside for personal identifier verification, because the signature and/or date of birth supplied on the postal voting statement does not match that on the personal identifiers record,

the postal voting statement should be attached to the relevant ballot paper envelope (or to the ballot paper if it has not been returned in the ballot paper envelope), endorsed 'rejected', shown to any agents present and then placed in the receptacle for rejected votes. The agents present are also permitted to view the entries in the personal identifiers record. If any agent objects to the decision to reject, the words 'rejection objected to' should be added.

7.43 If the postal voting statement is valid and is accompanied by a ballot paper envelope, the number on the statement should be compared with the number on the ballot paper envelope. If they match, each should be placed in the appropriate receptacle (that is, those for postal voting statements and for ballot paper envelopes). If they do not match, the ballot paper envelope should be opened and any ballot paper inside removed and dealt with as follows:

- If the postal voting statement is valid, the number on the statement should be compared with the number on the ballot paper:
 - If they match, they should be placed, respectively, in the receptacle for postal voting statements and the postal ballot box.
 - If they do not match, the ballot paper should be attached to the postal voting statement and the statement should be marked 'provisionally rejected' and placed in the receptacle for rejected votes.

7.44 If a covering envelope contains a postal voting statement but no related ballot paper or ballot paper envelope, the postal voting statement must be marked 'provisionally rejected' and placed in the receptacle for rejected votes.



Where a postal ballot is rejected because the personal identifiers on the postal voting statement do not match those held in the personal identifiers record, the (Acting) Returning Officer may consider referring the matter to the police.

The (Acting) Returning Officer should discuss the process to be followed with the police in advance. This will help to identify what procedures the (Acting) Returning Officer should have in place for identifying suspicious activity and when to refer the matter to the police.

Evidence of liaison with the police on this as well as other appropriate matters is required to meet performance standard 4 – Maintaining the integrity of an election.

Verifying personal identifiers

7.45 In determining the validity of postal voting statements, the (Acting) Returning Officer 'must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifiers record'.⁴⁶

7.46 Neither the signature nor the date of birth is more important than the other in deciding if a postal voting statement has been duly completed – both must be provided and both must match.⁴⁷ Neither identifier takes precedence over the other.

7.47 If the current date is given on the statement, it is clear that it is not the elector's date of birth and the statement should not be deemed as duly completed because there is no match. Similarly, if it appears that the incorrect date of birth was entered on the record from the application phase, for example the date of signing the application has been entered instead of the date of birth, this will not match the date of birth given on the postal voting statement and the statement must be rejected.

7.48 It is possible that the elector may complete the date of birth field in a different way to the format asked for by the postal voting statement. In such a case, if the (Acting) Returning Officer is satisfied that the elector's date of birth has been given, and matches that provided at application, the (Acting) Returning Officer may be able to satisfy themselves that the postal voting statement has been duly completed. Every decision on a postal voting statement should be taken on merit and on an individual basis.

⁴⁶ Regulation 85A(2), RPR 2001.

⁴⁷ Regulation 85A(2), RPR 2001.



Forensic experts from the Forensic Science Service, along with the Commission's own staff, have developed some guidance with regard to manual checking of signatures. This guidance is supported by the Scottish Police Services Authority Forensic Services. The guidance provides some background to the way electors may write signatures on postal voting statements. This guidance was initially provided in Circular EC21(2007) and has been replicated in the Appendix, 'Resources'.

7.49 If the (Acting) Returning Officer is satisfied that a statement was duly completed then it can be accepted. It is clear that signatures do not have to be identical but need only 'satisfy' the (Acting) Returning Officer.

7.50 The (Acting) Returning Officer is not necessarily confined to making the determination on the two signatures and two dates of birth. The legislation allows the judging of the signature and date of birth as 'part' of the determination, but the use of the word 'part' means that other sources can also be used. It would be acceptable for an (Acting) Returning Officer to include any additional information they have in making their decision, although complete absence of a signature (where the elector has not been previously granted a waiver), or a date of birth in all cases, must lead to an unsatisfactory statement and rejection.

7.51 This guidance is of particular relevance in the case of an elector who may have become incapacitated since supplying their identifiers to the Electoral Registration Officer, for example where an elector has broken their arm and is unable to replicate their normal signature.

7.52 Again, any judgement to reject a postal voting statement should be made on its merits and on an individual case basis.

Actions to be taken once the decision to reject is made

7.53 Where the decision has been taken to reject, the postal voting statement should be:

- marked 'rejected'
- entered on the list of rejected postal voting statements
- attached to the ballot paper envelope (or ballot paper if there is no envelope)
- placed in the receptacle for rejected votes

7.54 Candidates and agents have the right to view rejected postal voting statements but, as with all electoral processes, they should not handle documents. If they object to a rejection, the postal voting statement should be marked 'rejection objected to' before being attached to the ballot paper envelope and placed in the receptacle for rejected votes. Unlike candidates and agents, accredited observers and representatives of the Commission have no right to object to the rejection of a postal voting statement.

Opening the postal ballot paper envelopes⁴⁸

7.55 The (Acting) Returning Officer must open separately, after the postal voting statements have been sealed away, the remaining ballot paper envelopes that have been placed in the receptacle for ballot paper envelopes and deal with their contents:

- A ballot paper whose number matches that on the envelope goes in the appropriate postal ballot box.
- A ballot paper whose number does not agree with that on the envelope should be attached to its envelope, marked 'provisionally rejected' and put in the receptacle for rejected votes.
- A ballot paper envelope that does not contain a ballot paper should be marked 'provisionally rejected' and put in the receptacle for rejected ballot paper envelopes.
- When a ballot paper appears to have been cut by the voter it can still be placed in the postal ballot box if the postal ballot paper contains the correct ballot paper number in relation to envelope 'A'.



Ballot papers must be kept face down throughout the opening process.⁴⁹ Ballot papers should be fully unfolded after removal from the envelope.

7.56 Even though the (Acting) Returning Officer is required to keep the ballot papers face down, there may be occasions when candidates and agents see the front of a ballot paper. However, anyone attending the opening of postal votes, which includes staff working at the opening session, is not permitted to reveal any information regarding the votes cast on any particular ballot paper and must maintain the secrecy of voting.⁵⁰

7.57 Anyone attending a postal vote opening session must be provided with a copy of the relevant secrecy requirements. They should be reminded of these requirements and of the penalty, on summary conviction, either of a fine of £5,000, or six months' imprisonment in England and Wales, or one year's imprisonment in Scotland.⁵¹

Matching up separated documents

7.58 Two separate lists must be kept in relation to rejected postal votes.⁵²

- a list of ballot paper numbers for ballot papers received without valid postal voting statements

⁴⁸ Regulation 86, RPR 2001.

⁴⁹ Regulation 84(6), RPR 2001; Regulation 84(5), RPR (Scotland) 2001.

⁵⁰ Section 66(4), RPA 1983.

⁵¹ Section 66(6), RPA 1983, as amended in Scotland by Section 45, Criminal Proceedings (Reform) (Scotland) Act 2007.

⁵² Regulation 87, RPR 2001.

- a list of ballot paper numbers for postal voting statements received without ballot papers

7.59 The (Acting) Returning Officer must check these two lists at postal vote openings and, if the missing postal voting statement or ballot paper has been returned, the list must be amended accordingly. Any document previously marked 'provisionally rejected' should be treated as though it had never been so marked. The ballot papers that are no longer to be treated as provisionally rejected must be placed in the correct postal ballot box, and the postal voting statement should be placed in the appropriate envelope.

7.60 The two lists must be taken to the final opening of postal votes where the lists must be checked against all ballot papers/postal voting statements that have been returned separately from their corresponding postal voting statement/ballot paper by the close of poll, and matched up if possible.⁵³

7.61 (Acting) Returning Officers should ensure that all stages of the receipt and opening of the postal votes are recorded. In particular, they must maintain the two lists of rejected postal votes as described in paragraph 7.58. Listing of a postal voting statement or ballot paper should take place during the opening as soon as they are identified and marked as being 'provisionally rejected' for want of the accompanying documentation. This can be an onerous process if levels of postal voting are high, and so appropriately skilled or trained staff should be used.



(Acting) Returning Officers may find it helpful to use a postal vote matching spreadsheet, an example of which is available to download from the Commission's website at

www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/uk-parliamentary-elections.

7.62 At the end of each opening, the lists should be kept securely until the next opening or the count, as appropriate. It might also be prudent to print off a copy of the record as it exists at the end of each opening session. Once documents are matched, this should be recorded on the lists to provide a record of actions taken, rather than striking through the relevant numbers or removing them from the list.



Since the introduction of the personal identifier verification requirement, a number of electronic scanning and checking systems have been developed. (Acting) Returning Officers are reminded that the legislation is clear about the opening process and that the use of technology does not mean that the processes outlined above can be dispensed with in any way.

⁵³ Regulation 88, RPR 2001.

Sealing the postal ballot box

7.63 The final stage of the postal vote opening process is to put the valid postal ballot papers in the postal ballot box. The ballot papers should be counted accurately and the number recorded for matching against the number counted at the verification at the count. Postal votes should be kept in batches to ensure any cancelled ballot paper can be located and removed if necessary.

7.64 Any agents present should be made aware of the number of ballot papers in the box before it is sealed. The agents that are present may also apply their own seals before the box is securely stored until the count.

7.65 The agents that do wish to apply their own seal should be informed that the (Acting) Returning Officer may break the seals and retrieve a ballot paper that has become cancelled. They should be informed that this can only be done at an official opening of postal votes which they will be invited to attend.

Retrieval of cancelled postal votes⁵⁴

7.66 Postal ballot papers that have been cancelled require both the postal voting statement and the ballot paper to be retrieved at a formal postal vote opening.

7.67 Where a postal vote has not yet been through the formal 'opening' process the (Acting) Returning Officer should open the incoming envelope 'B' and remove envelope 'A' containing the ballot paper and secure it to the postal voting statement marking both 'cancelled'. Any cancelled ballot papers must be placed in the packet for spoilt ballot papers.

7.68 Where a postal vote has already been processed as part of one of the formal 'opening' sessions, the (Acting) Returning Officer shall retrieve the postal voting statement from the appropriate packet and break the seal on the relevant postal ballot box to retrieve the correct numbered ballot paper. Where ballot papers have been placed in batches, the (Acting) Returning Officer will be able to identify the batch in which the ballot paper has been placed, which should help with finding the relevant ballot paper. After re-sealing the postal ballot box both the retrieved ballot paper and postal voting statement must be marked 'cancelled' and placed in the packet for spoilt ballot papers.

7.69 In all cases, the retrieval of postal votes and their accompanying postal voting statements should be done in full view of any candidates, agents, representatives of the Commission or observers present at the opening session, and the agents should be shown the ballot paper numbers of any cancelled papers. However, the ballot papers must be kept **face down** throughout the retrieval process in order to prevent any persons present from seeing how the votes had been cast.

⁵⁴ Regulation 86A, RPR 2001.

7.70 Any agents that are present should be allowed to witness the seal being broken and the retrieval and resealing processes, and to apply their own seal. The absence of an agent does not invalidate or prevent the requirement to retrieve cancelled postal votes.

7.71 To aid the retrieval of ballot papers from the large number of returned ballot papers, the (Acting) Returning Officer should organise a system of batching ballot papers. When ballot papers are batched as part of the verifying of personal identifiers, any batch identification number header sheets should be retained on the ballot papers as long as they do not show the names, addresses or elector numbers of the voters. The batch headers can be removed at the verification of the ballot papers at the count.

Statement as to postal ballot papers

7.72 The (Acting) Returning Officer must complete the statement as to postal ballot papers (Form K) and send a copy to the Commission and the Secretary of State between 10 and 25 days after polling day.

7.73 Details regarding the return of the statement as to postal ballot papers to the Commission will be provided by circular in advance of the election.

Appendix – Resources

Notification of secrecy requirements

Section 66 of the Representation of the People Act 1983 (as amended)

(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 purposes authorised by law, communicate, before the poll is closed, to any person any information obtained at these 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 these proceedings as to the number or other unique identifying mark 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 or other unique identifying mark 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 these proceedings.

[...]

(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.

Checking signatures and dates of birth at postal vote openings

Introduction

This guidance aims to provide practical advice on postal vote opening procedures, with special regard to carrying out manual checking of signatures and dates of birth. It has been developed by forensic experts from the Forensic Science Service, along with the Electoral Commission's own staff, and provides some background to the way electors may write signatures on postal voting statements. This guidance is supported by the Scottish Police Services Authority (SPSA) Forensic Services. It provides three guiding questions that are of use when deciding whether to accept or reject a signature. It also provides a step-by-step decision-making tree to enable people with little knowledge of signature comparison to apply rules consistently.

The Forensic Science Service is a Government Company wholly owned by the Home Office and has over 60 years' experience in forensic science. Since their inception in 2007, the SPSA Forensic Services provide forensic support to Scotland's eight police forces and the criminal justice community.

This guidance is, however, issued by the Commission and responsibility for its contents rests with the Commission.

Aim

This guidance aims to set out a method for deciding whether to accept a signature on the postal voting statement after comparison with the signature of that elector previously supplied to the Electoral Registration Officer. The guidance will not teach the person looking at the signatures ('the examiner') to be an expert, but should help them to make a decision to accept or reject a vote for valid and documentable reasons.

In determining the validity of postal voting statements, the (Acting) Returning Officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and the signature contained in the personal identifier record.

Control signatures

Most (Acting) Returning Officers will check the signature on the postal voting statement against one previously provided signature ('the control signature'). (Acting) Returning Officers should be aware that even in very short timeframes a person's signature varies naturally and that the natural range of variation of a person's signature cannot be fully determined through such small samples. Therefore our advice is that the examiner should err on the side of inclusion and only reject postal voting statements when they are fully satisfied that the signature provided on the statement is not that provided at

application. Our approach in this guidance is that an (Acting) Returning Officer should be confident that a signature shows major and significant differences to the control signature before deciding that they are so satisfied. In summary, unless the (Acting) Returning Officer can be certain that the signature is unsatisfactory the signature should be accepted.

Electronic signature verification

Many authorities are using an electronic checking system to compare the signatures and this should reduce the number of signatures that need to be checked visually. There are a variety of systems on the marketplace and each one will handle the signatures slightly differently. Some of these systems display the control signature and the signature on the postal voting statement side by side on a computer screen. The consequence of this is that the signatures to be examined will be electronic images, not the ink signatures themselves. Provided that the scanning has been done correctly and the images are scanned at an appropriate quality this should in most cases be acceptable. However, it should be understood that information present on the original document is not always apparent on the electronic copies, so some of the features described in the guidance may be more difficult to determine in scanned signatures.

A suggested process

The suggested process for comparing signatures asks the examiner to answer three questions, which are:

- Are the signatures a similar shape?
- Are the pen-paths of the signatures similar?
- Are the signatures similar in fluency?

The flow chart supplied with this guidance aims to help guide the examiner through the process to ask these questions in the correct order, and to help justify any decision made. The underlying principles to be applied are to look for major differences in shape, pen-path and fluency in that order. If the flow chart is used, the examiner will end up at a square or circle with a letter in it. By recording the letter they if challenged will be able to say why they have accepted or rejected a particular signature. The Commission considers that it is reasonable simply to make a record of this letter code. This can be achieved either by adding the letter code to the postal voting statement next to the word 'rejected'; by adding a column on the list of rejected votes and adding the letter code to the relevant row, or by adding the letter code to any packaging that the rejected statement and ballot paper are to be stored in within the receptacle. While not expressly required or authorised in the legislation, it is not expressly prohibited to make such a record and therefore we consider such a record to be within the spirit of the legislation.

The guidance is based on eight proven principles for forensic examination, which are summarised in 'Principles of examination', on pages 49–51.

Making a decision

The decision-making process requires judgement and a measure of discretion; set out in this guidance is a framework and methodology developed in partnership with the Forensic Science Service. The process you use, whether electronic, visual or a mixture of both, should be designed to reduce the risk of accepting illegitimate signatures as genuine.

Once they have gained sufficient practice in looking at signatures, it is expected that most examiners will be able to make decisions on signatures quickly and with confidence. The visual check provides examiners with three criteria on which to base their decisions, and these are derived from the nature of the writing. It is expected that most of the signatures examined will be shape variants of the genuine signature with the same pen-path and fluency, of the original signature, and therefore the decision to accept should be a straightforward one.

It should be emphasised that the examiner is looking for large differences in shape, pen-path or fluency. All signatures show differences to each other, and a common pitfall is that, when no large difference is discovered, smaller differences are given too much significance. If there are no large differences in shape, pen-path or fluency, then the signature is probably genuine and the (Acting) Returning Officer should be comfortable about making a decision.

Actions to be taken once the decision to reject is made

Having asked the three questions, the examiner will discover some signatures that they wish to reject. The postal voting statement should be:

- marked 'rejected'
- entered on the list of rejected postal ballot papers – you may also find it helpful to record the reason for rejection, for example by noting the letter from the flow chart
- attached to the ballot paper envelope (or ballot paper if there is no envelope)
- placed in the receptacle for rejected votes

Candidates and agents have the right to view rejected postal voting statements, but as with all electoral processes they should not handle documents.

If they object to a rejection then the postal voting statement should be marked 'rejection objected to' before being attached to the ballot paper envelope and placed in the receptacle for rejected votes.

Using the flow chart

The flow chart is designed to give the examiner guidance on looking for significant differences in shape, pen-path and fluency. While for the most part the decisions are straightforward, the following notes about each acceptance or rejection point are supplied to help reach a decision using the chart. Decisions on signatures are rarely clear-cut, more often coming down to a balance of probabilities. This is backed by the wording of the legislation, which requires the (Acting) Returning Officer to be satisfied. We believe this allows for the (Acting) Returning Officer to accept a signature unless certain that it is illegitimate.

Rejection at point A: There are major differences in the shape of the signature which are unlikely to be explained by natural variation.

Rejection at point B: The signature is in a different name and there is no part of it which can be compared.

Acceptance at point X: The signature on the postal voting statement and the application form are the same general shape and the name is the same. The signatures also have the same pen-path and are similar in fluency.

Acceptance at point Y: The signature on the postal voting statement and the application form are the same general shape and the name is the same. The signatures also have the same pen-path but the signature on the application form is of lower fluency than the postal voting statement signature. There are genuine reasons why an application signature may be of a lower fluency – poor pen function, uneven writing surface etc.

Acceptance at point Z: The signature on the postal voting statement and the application form are the same general shape and the name is the same. The signatures also have the same pen-path. However, the signature on the postal voting statement is of significantly lower fluency than the one on the application form, but this lack of fluency is just in one part of the signature. The rest of the signature is of similar fluency to the application signature, and these parts of the signature match in shape.

Rejection at point C: The signature on the postal voting statement and the application form are the same general shape and the name is the same. The signatures also have the same pen-path. However, the signature on the postal voting statement is of significantly lower fluency than the one on the application form and this lack of fluency is not just in one part of the signature but is throughout the signature. (As a guide, expect to find three independent features demonstrating low fluency.) There are possibly parts of the signature that do appear fluent, but these do not match the shape of the corresponding parts in the application form signature.

Acceptance at point W: The signature on the postal voting statement and the application are the same general shape and the name is the same. While there is a significant difference in the pen-path used to construct the

signatures, either both the signatures are of low fluency or a significant proportion of the signatures matches in shape, pen-path and fluency.

Difference in pen-path is often because the signature is written by someone unfamiliar with the 'signature template' used by the owner of the signature. However, in some instances, particularly in the case of an elderly person with poor writing skill, the writer can become confused and use a different pen-path. Hence, accept signatures with a seemingly mismatched pen-path when both signatures are low in fluency or where significant fluent parts of the signature match.

Rejection at point D: The signature on the postal voting statement and the application are the same general shape and the name is the same. However, there is a significant difference in the pen-path used to construct the signatures in that the pen is moving in a different direction at a specific point in one signature when compared with the other. In addition, one of the signatures is significantly more fluent than the other or they are both of reasonable (not low) fluency, and there are no parts of the signature which match well in shape.



Additional actions where malpractice is suspected

The Commission has already recommended that (Acting) Returning Officers who reject postal voting statements after comparison with the supplied identifiers should always consider referring them to the police, particularly if a pattern is evident. If this is contemplated, there are a number of actions that would assist the police.

It would assist any forensic investigation if latex/plastic gloves are worn when handling suspicious rejected postal voting documents.

When handling the documents, touch them only on the edges. Handle the documents only to package them. Do not undo staples, flatten, or in any other way alter the document. Avoid handling the documents as much as possible.

Locate the original postal voting statement and all its associated documents and isolate them from other voting papers.

Take a loose-fitting plastic bag or a brown envelope and record the ballot paper number on the outside, together with any other relevant information such as the name of the individual whose vote it is and the electoral area in which they voted. It would help if the date, time, where the questioned papers were found, who has packaged them and anyone else who has handled them were also recorded.

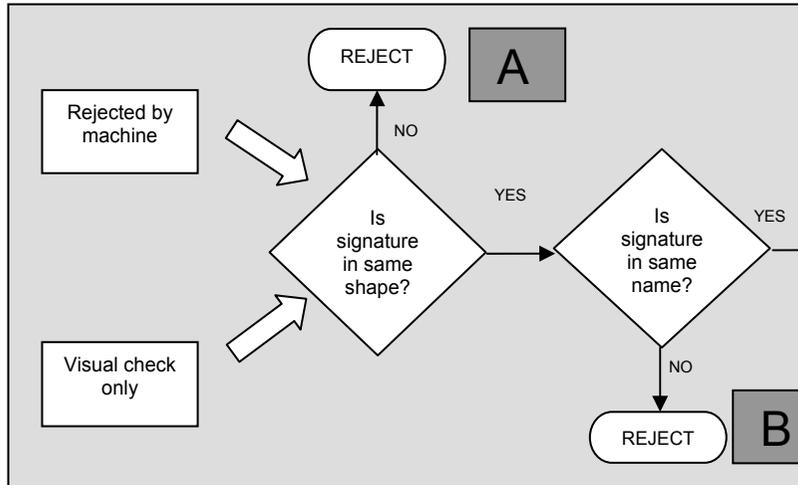
Place thin pieces of card either side of the questioned papers (to prevent them becoming marked), place them into the pre-labelled loose-fitting plastic bag or brown envelope and seal the packaging with adhesive tape.

Maintain a list of all documentation and keep it safe.

It is the Commission's view that the additional protection of the contents of the receptacle for rejected votes as mentioned above is reasonable to maintain the safe custody of the receptacle and therefore its contents.

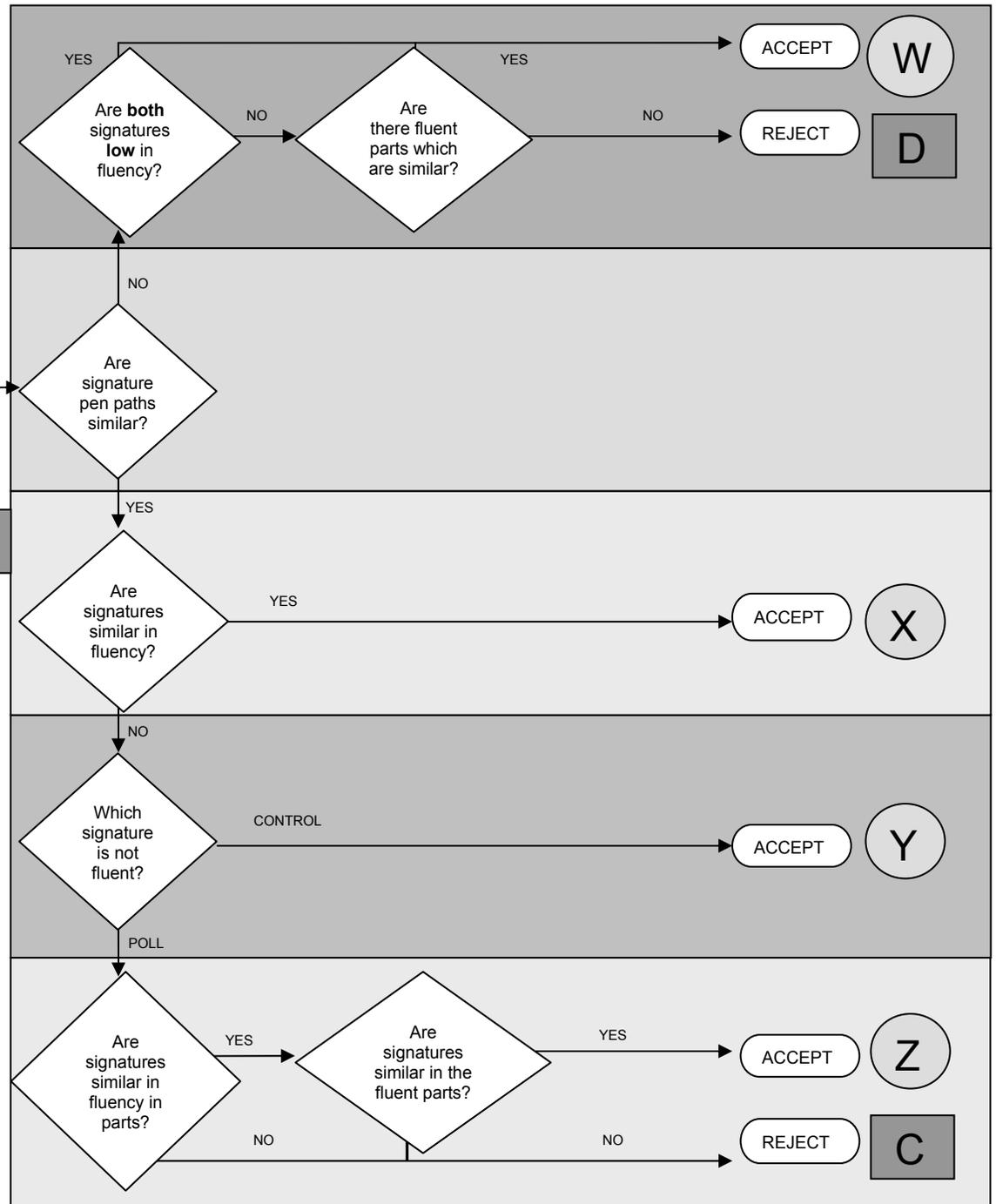
The signatures used as control signatures, i.e. the signatures on the applications to vote by post, will also be important in any forensic process but are unlikely to require examination for fingerprints, DNA or other evidence types. Provided that they are kept safe and can be recovered later it is probably best to wait for instructions from the police to decide how these should be packaged and submitted.

Flow chart



- PRINCIPLE 1
The writing and signature of an individual cannot necessarily be connected.
- PRINCIPLE 2
The signature of one individual has a natural variation.
- PRINCIPLE 3
The signature of one individual has a range of variation that cannot be determined from one control signature.
- PRINCIPLE 4
Coincidental matches are uncommon.
- PRINCIPLE 5
Signatures must be pictorially similar to be accepted.
- PRINCIPLE 6
A successful forger has to reproduce the shape and the fluency of a signature.
- PRINCIPLE 7
Genuine signatures usually have the same pen path.
- PRINCIPLE 8
Genuine signatures are usually similar in fluency.

SHAPE*PEN PATH*FLUENCY



Principles of examination

PRINCIPLE 1: The writing and signature of an individual may not necessarily be connected: compare like with like

The writing style and signature of an individual may not necessarily be connected, so someone writing their signature in ordinary writing on the application form and as a signature on the postal voting statement may have their signature rejected.

Some people use their full signature on some documents and an abbreviated form on others; notwithstanding this, there should still be parts of the signature that can be compared and the absence of a part of the signature (e.g. John Smith on one and J Smith on the other) should not be taken as a difference in style. However, if the name is spelt wrongly (e.g. Smith instead of Smythe) then this should be rejected at rejection point B as people are usually consistent about how they spell their own name.

Occasionally people will have changed their name between signing the application and signing the postal voting statement, for instance when they get married; it is their responsibility to inform the Electoral Registration Officers when this occurs and to supply a new control signature. There may still be parts of the signature that can be compared (e.g. the first name, if used), but signatures in different names with no points of comparison should be rejected.

PRINCIPLE 2: The signature of one individual has a natural variation

A signature can be regarded as a learnt habit and therefore one individual's signature conforms to a specific template that has been developed over a period of time. It is therefore automatic for that individual (i.e. they do not have to remember the template each time they wish to write their signature), but people are not machines and therefore do not reproduce the template in exactly the same shape every time. The software comparing signatures will have been set up to reject signatures because they appear 'too perfect' for these reasons.

The signature of one individual can vary from minute to minute and day to day, depending on the conditions under which they are signing. It is affected by cold, writing position, the pen used, the surface they are writing on, health and so on, but it will fall within a range of variation which is a characteristic of that individual.

PRINCIPLE 3: The signature of one individual has a range of variation that cannot be determined from one control signature

The signature of one individual can have a small range of variation or a large range of variation. While some generalisations can be made, it is safer to assume that the range of variation for one individual cannot be determined from one control signature. You will always be able to find differences in shape between two signatures, but the difference may not be significant. Therefore the examiner should allow for a large range of variation and must only reject the postal voting statement signature if it shows a large difference from the application signature.

PRINCIPLE 4: Coincidental matches are uncommon

To guess what a person's signature looks like from their name alone is very difficult, and becomes more and more difficult as the signature becomes more complex. A coincidental match is only likely to occur when the writing style used is simple, but even then it would be uncommon. If the forger is guessing at the signature it is very unlikely to be the same shape or follow the same pen-path.

PRINCIPLE 5: Signatures must be similar in shape to be accepted

If people want to use their signature to identify themselves, they must produce signatures that look similar. Anything that is wildly different should therefore be rejected (rejection point A). Here the examiner is looking for very different shapes, not minor differences caused by natural variation, and should only reject when the signature is effectively a completely different shape.

Sometimes the person signs the wrong form or signs in a different name (e.g. someone signing with their married name on one occasion and maiden name on another). Where there are parts of the signature that can be compared (for instance, if they use the same surname but a different first name) then the parts which can be compared should be compared while the different parts should be discounted (as one cannot compare parts of the signature which are absent). If there is nothing that can be compared, then the signature should be rejected (rejection point B).

PRINCIPLE 6: A successful forger has to reproduce the shape and the fluency of a signature

If the person attempting to steal a vote has available an example of a genuine signature of the person whose vote it is, they may try to simulate the signature. (Note that we use the term simulate, not copy, to distinguish this deliberate attempt to reproduce the signature from the simple act of photocopying the signature). There are several ways of simulating a signature. Most people will use a freehand simulation by placing the signature in front of them and trying to reproduce the pen-path and shape. Others may try to trace the signature or reproduce it from memory.

When signatures are fairly simple in design it is possible to produce a reasonable copy and these may well be accepted by the examiner. The process will not differentiate a good simulation from a genuine signature. As the signature becomes more and more complex simulation becomes more difficult. Most forgers do not practice very much and will get the shape, the pen-path or the fluency wrong. It is usually possible to get either the shape or the fluency correct, but it is very difficult to get both the shape and the fluency correct in all but the simplest of signatures.

PRINCIPLE 7: Genuine signatures usually have the same pen-path

The pen-path is the way the pen moves across the paper. It is a learnt habit for many writers and therefore they will follow the same pen-path automatically, irrespective of other conditions that may be affecting their writing (such as cold, writing position etc.). It forms the basic template of the signature and is therefore a good indicator of whether the signature is

genuine. A complex, fluent signature with the same pen-path is almost certainly by the same author.

The examiner is encouraged to imagine how the pen is moving in making a signature. This includes the movements the pen is making off the paper to get from the finish of one letter to the start of the next. A significant difference is where the pen is moving up instead of down at a particular point in the signature, or clockwise instead of anti-clockwise, left to right instead of right to left, etc. In some signatures the appearance may be significantly altered because the pen has left the paper in one signature but not in the other, so that the joining stroke is evident. This is not considered to be a significant difference in pen-path.

PRINCIPLE 8: Genuine signatures are usually similar in fluency

Fluency is a reflection of the writing skills of an individual. People generally write with similar fluency all the time. There are exceptions, for instance when medication or injuries are influencing the writing, but these are uncommon.

Skilled writers can usually write fast and are therefore able to write with high fluency, signs of which include:

- smooth curves
- variation in pen pressure
- tapered ends to letters
- joining of three or more letters together
- pen in contact with the paper for long sections of the signature
- flourishes, lead-in strokes and exit strokes

At the other extreme there are some people, particularly the elderly or infirm, who do not have good writing skills and therefore exhibit signs of low fluency, which are:

- jerky curves
- even pen pressure throughout
- blunt ends to letters
- separate letters
- pen lifts, hesitations and blobs
- simple design

Many simulations are written with low fluency, but it should be noted that low fluency is not necessarily a sign of simulation. It is important that the examiner looks for major differences in the fluency and not simply low fluency, as the former can be an indication of different writers producing the signatures.