

Meeting of:	<b>Corporate Performance and Resources Scrutiny Committee</b>
Date of Meeting:	<b>Wednesday, 22 September 2021</b>
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Welsh Government Consultation on the draft Local Elections (Principal Areas) (Wales) Rules 2021 and draft Local Elections (Communities) (Wales) Rules 2021
Purpose of Report:	Pre-Cabinet Scrutiny of the draft response to the Welsh Government's Consultation
Report Owner:	Cabinet Member for Legal, Regulatory and Planning Services
Responsible Officer:	Debbie Marles, Returning Officer and Electoral Registration Officer
Elected Member and Officer Consultation:	<p>There has been no Member consultation as the content of this report is not specific to an individual ward.</p> <p>All Members are on notice of the report and will have the opportunity to feed into the pre-Cabinet consultation referred to in the report.</p> <p>Officers consulted include:</p> <p>Managing Director</p> <p>Operational Manager (Legal Services)</p> <p>Electoral Services Manager</p> <p>Deputy Electoral Services Manager</p>
Policy Framework:	Following pre-Cabinet scrutiny this report will be considered by Cabinet for Executive Decision by Cabinet

Executive Summary:

- This report addresses the ongoing consultation by Welsh Government regarding the draft Local Elections (Principal Areas) (Wales) Rules 2021 and the draft Local Elections (Communities) (Wales) Rules 2021 and sets out at Appendix A a draft response to the consultation.
- Subject to consultation it is the Welsh Government's intention to introduce the draft Rules in readiness for the May 2022 Local Elections.
- The report highlights the key proposed changes to the Rules governing Principal Council and Town/Community Council Elections which in particular relate to:
  - enabling powers for the Returning Officer to offer online provisions for obtaining and submission of nomination papers.
  - requiring self-nomination by Candidates for principal council and town/community council elections.
  - broadening the provisions relating to descriptions a Candidate may use on the nomination paper.
  - allowing "Wales", "Welsh", "Cymru" or "Cymreig" to be prefixed or suffixed to a political party name or descriptor.
  - introducing a requirement for the completion of a home address form with the option of the home address not to be made public or published on the ballot papers.
  - the requirement for the Candidate to declare on the nomination papers if they are/or have been members of a registered political party in the last 12 months (other than the party for which they are seeking to stand in the Election in question).
  - broadening the options relating to commonly used names.
  - permitting for Principal Council Elections the option for Candidates to provide a personal statement, and arrangements for publication of the same by the Returning Officer.

## Recommendation

1. Committee is requested to consider the report, refer the same to Cabinet and provide any suggested amendments to the answers to the draft Consultation Response Form attached at Appendix A of this report in readiness for Cabinet's consideration of the matter on 27<sup>th</sup> September 2021.

## Reason for Recommendation

1. To seek Scrutiny Committee's views regarding the ongoing consultation and refer the report to Cabinet for consideration .

## 1. Background

- 1.1 The draft Rules which are the subject of this consultation make some new provisions and update, consolidate and restate the law concerning Principal Council, and Town and Community Council elections, and the rules by which they are conducted.
- 1.2 The Local Elections (Principal Areas) (England and Wales) Rules 2006 ("the 2006 Rules") govern the conduct of elections to county and county borough councils in Wales. Similarly, the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 ("the Communities Rules") govern the conduct of elections to community and town councils in Wales.
- 1.3 The 2006 Rules and the Communities Rules are being remade in preparation for the Local Elections in Wales in 2022 and are the subject of Welsh Government's consultation. Copies of the draft Rules are attached below:



Local Elections  
(Principal Area) (Wales)



Local Elections  
(Communities) (Wales)

and the respective draft explanatory memoranda are attached below:



Local Elections  
(Principal Areas) (Wales)



Local Elections  
(Communities) (Wales)

- 1.4 Both sets of draft Rules set out the rules that would apply to the conduct of a standalone election to a principal or town/community council (see Schedule 1 in each of the draft Rules) and those which would apply when the poll at the election is taken together or "combined" with the poll at another election (see Schedule 2 in respect of each of the draft Rules). Most of the Rules are the same between the two Schedules, however there are some differences to reflect that there are two elections taking place.

## 2. Key Issues for Consideration

2.1 The proposed changes are summarised in the explanatory memoranda with the key changes set out below.

### **The Draft Local Elections (Principal Areas) (Wales) Rules 2021 (“draft Principal Areas Rules”)**

- These permit Returning Officers to specify in the Notice of Election that nomination papers may be obtained and submitted online (this is in addition to existing arrangements regarding the availability of hard copies and the submission of the same in person). This is a new enabling provision for Returning Officers and is not mandatory. Should this provision be adopted by the Returning Officer and exercised by a Candidate, there will no longer be a requirement for papers to be collected or submitted in person. Should a Returning Officer adopt the online option, support will still be provided to Candidates around the completion and checking of forms if they choose to use the online option.
- Require self-nomination by Candidates for principal council elections with the nomination papers signed by the Candidate in the presence of a witness who must attest the signature and be an elector who is registered in the Register of Local Government Electors for the electoral ward in question on the last day for publication of the Notice of Election (subject to exceptions).
- Addresses the issues of the descriptions a Candidate may use on nomination papers which will then be reflected on the ballot paper. This relates to political descriptions to be used that are likely to lead electors to associate the Candidate with a registered political party, or with two registered political parties. Alternatively, it allows Candidates to indicate they are an independent Candidate. A Candidate may use both English and Welsh language descriptions on their nomination forms.
- Allow for the words “Wales”, “Welsh”, “Cymru” or “Cymreig” to be prefixed or suffixed to a political party name or descriptor.
- As part of the nomination process, Candidates will be required to complete a home address form. While completion of the home address form is a mandatory part of the nomination process, Candidates will be able to indicate that they do not want their home address to be made public or published on the ballot papers. If Candidates so indicate, they must identify a relevant home area instead. The relevant home area will be the Candidate’s home local government area or country as the case may be. This is a new policy that brings local government elections in Wales in line with Senedd elections and other elections across the United Kingdom.

- Require that Candidates will have to declare on the nomination papers if they are, or have been, Members of a registered political party in the last 12 months, (but that is not a party for which they are seeking to stand in the election in question). The “relevant period” is the period of 12 months ending with the day on which the Candidate delivers their nomination papers. If a Candidate knowingly fails to provide this information, they will have committed an electoral offence and will be guilty of a corrupt practice.
- The restrictions relating to commonly used names is broadened to include forenames or surnames in a different order, and to include only some of the names or include additional names.
- Permits Candidates to draft and supply a personal statement (“that may accompany their nomination papers”) in support of their election campaign. The Returning Officer is then required to publish the personal statement on the Local Authority website. Rule 10 sets out the parameters of the personal statement including that it must be no more than 180 words, must only set out why the Candidate is seeking election, can be written in any language the Candidate chooses and may include a recent photograph of the Candidate. If the personal statement is in a language which is neither English nor Welsh, the Candidate must provide a translation of the statement into either English or Welsh. The Returning Officer is to publish the personal statements at the same time as publishing the statement of persons nominated for the election in question.

**Draft Local Elections (Communities) (Wales) Rules 2021 (“draft Communities Rules”)**

- As with the draft Principal Areas Rules the draft Community Rules provide for enabling powers for Returning Officers to offer the online option for obtaining and submitting nomination papers.
- Require self-nomination by Candidates for town/community council elections with the nomination paper signed by the Candidate in the presence of a witness who must attest the signature and be an elector who is registered in the Register of Local Electors for the electoral area in question on the last day for publication of the Notice of Election (subject to exceptions).
- Deal with the descriptions a Candidate may use on nomination papers which thereafter appear on the ballot paper which is in line with the Principal Areas Rules.
- The same provisions appear regarding the use of “Wales”, “Welsh”, “Cymru” or “Cymreig” as referred to above as regards to the draft Principal Areas Rules.

- Similar provisions relate to the Home Address Form with regards to the draft Community Rules as with the draft Principal Areas Rules.
  - Also, the same provisions apply as in the draft Principal Areas Rules regarding declaration on the nomination papers if Candidates are, or have been, members of a registered political party in the last 12 months. The definition of “relevant” is the same in the draft Communities Rules as the draft Principal Areas Rules.
  - The same provisions appear in the draft Communities Rules as the draft Principal Areas Rules relating to the broadening of the provisions in respect of commonly used names.
- 2.2** It is to be noted that no option is available in the draft Communities Rules regarding the provision of personal statement by Candidates.
- 2.3** Attached at Appendix A is the Welsh Government’s Consultation Response Form containing draft answers for Committee’s consideration.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The consultation arrangements relate to the long-term needs of local residents to ensure an effective and convenient local government.
- 3.2** The Council’s participation in the consultation is in line with effective collaboration with Welsh Government

## **4. Resources and Legal Considerations**

### **Financial**

- 4.1** There are no financial implications directly associated with this report, however should the draft rules be implemented there will be financial implications which are referred to in the draft answers at Appendix A. The Welsh Government Consultation document recognises that there will be financial implications should the draft Rules be implemented albeit these are not quantified.

### **Employment**

- 4.2** None directly associated with this report.

### **Legal (Including Equalities)**

- 4.3** The legal implications are referred to in the body of this report.
- 4.4** Subject to the consultation Welsh Government proposes to implement the draft Rules in readiness for the May 2022 local elections.
- 4.5** An extension of time until 28 September 2021 for the Council to submit its response to the consultation has been agreed with Welsh Government officials.

### **5. Background Papers**

Local Election (Principal Area) (Wales) Rules 2021

Local Election (Communities) (Wales) Rules 2021

Local Election (Principal Area) (Wales) Rules 2021 – Explanatory Memorandum

Local Election (Communities) (Wales) Rules 2021 – Explanatory Memorandum

## Consultation Response Form

Your name: Debbie Marles (Returning Officer and Electoral Registration Officer) in consultation with Rob Thomas (Managing Director)

Organisation (if applicable): Vale of Glamorgan Council

email / telephone number: dmarles@valeofglamorgan.gov.uk

Your address: Civic Offices, Broad Street, Barry, CF63 4RU

### Consultation Questions

*Availability and submission of nomination papers online (Principal and Community Rules)*

1. Do you agree that nomination papers should also be made available online for persons to download?

The availability of nomination papers online will improve accessibility to potential candidates and election agents and minimise travel requirements which supports the climate change agenda.

2. Do you agree that a facility should be provided to enable completed, signed and attested nomination papers to be submitted online?

This would be aspired to with every effort made to achieve the same, however it is essential to have a robust information technology platform in place and back up to ensure no technical failures, together with appropriate systems and processes; this is particularly essential given the strict statutory deadline for submission of nominations. Ideally a centrally provided portal would assist in this regard. Offering informal checks and supporting Candidates and Agents would be established to support online submission. There will be cost implications associated with the proposal, however at this stage the same have not been assessed. Once there is clarity regarding whether a central provided portal will be provided, this will assist in identifying costs.

3. How could the requirements for a candidate to sign their nomination paper and a witness to attest that signature be fulfilled if the nomination paper is submitted online?

Electronic signatures could be used being endorsed in the presence of the witness.

*N.b draft Rules 3(5), 4(2), 4(3) and 5(2) in Schedule 1 to the draft Principal rules includes italicised text in square brackets. The equivalent draft rules in the draft Communities Rules and in both Schedules 2 are also italicised. The use of italics is to highlight a new policy proposal which has emerged since the Welsh Government consulted on Electoral Reforms in local government in Wales in July 2017. We are consulting on this new proposal via the above consultation questions.*

#### *Nominations (Principals and Communities)*

4. Do you agree with a candidate self-nominating, subject to the candidate signing the nomination paper and that signature being attested by a single witness, instead of (i) in the case of a principal council election, the nomination paper being subscribed by a proposer, a seconder and by eight other assenters; and (ii) in the case of a community council election, the nomination paper being subscribed by a proposer and a seconder?

The changes mean that the candidate, at a principal council election or a community council election, would no longer submit a separate consent to nomination form.

If you disagree with these proposals please explain why.

Yes, this would aid accessibility and align with the arrangements established for the Senedd 2021 Elections. Such arrangements are particularly advantageous in the circumstances where mobility is restricted which was experienced with the Covid pandemic during the nomination period for the Senedd and PCC election earlier this year.

5. Do you agree that the additional options for candidates in providing commonly used forenames and surnames (including these being used in a different order) are sufficient to cover all cases in which it is reasonable to allow candidates to provide commonly used names?

Yes, this broadens the existing arrangements which on occasions caused confusion for candidates and election agents.

#### *Descriptions (Principals and Communities)*

6. Do you agree with the inclusion of the new options for candidates in terms of descriptions they may include relating to a registered political party, including

the addition of descriptors “Wales”, “Welsh”, “Cymru” or “Cymreig” where these are not already part of a registered description for the party in question. Do you think there are other options that should be covered?

Yes, this is supported.

The rules about descriptions which may be used by candidates at community elections are being brought in line with those at a principal council election. Effectively, this means that if a candidate at a community council election is not standing for a registered political party, the only options available to them are to describe themselves as “independent” or to have no description whatsoever. Do you agree with this change?

Yes, this is endorsed with the opportunity to use “independent”, “annibynnol” or both.

#### *Statements of party membership (Principals and Communities)*

7. Rule 5 introduces a new requirement for candidates to submit a statement of party membership and makes it an offence to knowingly withhold information about party membership or include something which is incorrect. Does this address the concern about candidates not declaring their membership of a registered political party?

Yes, however whether the “relevant” period should be 12 months as opposed to a reduced period of possibly 6 months is queried.

#### *Home Address forms (Principals and Communities)*

8. Do you agree with the inclusion of a home address form, allowing candidates to request that their home address is not made public, as is already the case for other elections, including Senedd elections?

Yes, this is supported to assist with candidates’ security.

#### *Personal Statements (Principals only)*

9. Do you agree with the options and requirements about candidate’s personal statements? Should anything else be included?

In general terms a similar option is available for candidates for the Police and Crime Commissioner Elections. However, the more detailed provisions contained within the Police and Crime Commissioner Elections Order 2012 (“2012 Order”) would assist with clarity around the contents of the personal statements and assist with ensuring that the contents are appropriate and provided in line with a set template. For instance, pursuant to the 2012 Order the election address of Candidates (as it is referred to in the 2012 Order) is precluded from containing “any material referring to any other candidate....”

The provisions as referred to in the 2012 Order also address the issue of the photograph of a candidate and the restrictions relating to the same which it is considered would benefit being reflected within the draft Local Elections (Principal Areas) (Wales) Rules 2021, in particular it is noted that there is no restriction in the draft Rules about whether the photograph may contain other content e.g. also show another person, neither is there a restriction regarding the size of the photograph (it is important that the size should be the same for all candidates).

Of particular concern however is the timing for the submission of personal statements (it being noted in comparison with the PCC elections that the cut off is 12 noon the day before close of nominations), the additional administrative responsibility for the Returning Officer to publish the same (in comparison the Cabinet Office arrange for the publication of “election address of candidates”/personal statements for PCC candidates) at a time when the Returning Officer is dealing with the publication of the Notice of Poll, Statement of Persons Nominated and authorising the print of ballot papers for the principal council elections and the town/community council elections which is a voluminous administrative task with significant responsibilities attached and should not be underestimated.

The appropriateness of a principal council’s website being used to display personal statements of candidates is queried as this is during the pre-election period which in line with statutory provisions requires the principal council not to influence the election. As an alternative it is suggested that the arrangements and displaying of personal statements is undertaken by a third party and possibly Welsh Government.

Further, there are inevitably going to be cost implications associated with introducing this further provision for candidates which will only be able to be calculated when there is further clarity as to how this aspect of the draft Rules is to be taken forward. Aligned to this, clarity is required regarding translation responsibilities, it being noted that Rule 10(7) provides “if a candidate’s personal statement is in English, it may also include a translation into no more than two other languages”; in this regard the views of the Welsh Language Commissioner would be welcomed to clarify whether there would be an expectation on the Returning Officer or relevant local authority to provide and publish a Welsh translation. Further to the issue of costs is the manner that the personal statement is submitted, with Rule 10(1) referring to “personal statements that may accompany nomination papers”, it will be appreciated that a hard copy as opposed to an electronic copy will be more labour intensive when undertaking such tasks as the word count.

Finally, clarity relating to liability for the content of the personal statement should rest with the candidate. This will need to be specified in the draft Rules.

*Nomination in more than one electoral ward and more than one electoral area (Principals and Communities)*

The existing rules allow a candidate at a principal council election to be nominated for more than one electoral ward at the same principal council election and for a candidate at a community council election to be nominated for more than one electoral area at the same community council election. In both cases the candidate must withdraw from all but one electoral ward or area before the close of nominations.

10. Do you agree that we should keep the existing arrangement that a candidate may be nominated in more than one electoral ward (principal council) or electoral area (community council) but must withdraw from all but one ward or area (respectively) before the close of nominations?

This is an arrangement that Returning Officers are familiar with and appropriate measures are put in place to deal with.

Alternatively, should the rules require that a candidate must submit a nomination for no more than one electoral ward and no more than one electoral area at the same election?

This would be preferable from an administrative perspective.

*Inspection of nomination forms and home address forms (Principals and Communities)*

11. If nomination forms and home address forms are submitted electronically, how should these be made available for inspection in accordance with the respective rules?

Inspection arrangements could still take place in person.

*Use of school rooms and public rooms (Principals and Communities)*

12. Are there any schools in Wales to which grants are made out of money provided by the UK Parliament? (see Rule 27(1)(b) in the Principal Rules)

No, we don't have any schools in Wales to which grants are made out of money provided by the UK Parliament.

*Issue of poll cards at a community council by-election (Communities only)*

Where a community council election is not held in combination with another election, official poll cards are issued only if the community council in question submits a request to the returning officer before 4pm on the 19<sup>th</sup> day before the day of election for poll cards to be issued. N.B. nevertheless, the returning officer must still issue an official poll card to any elector in that community who is registered anonymously.

The Welsh Government considers there would be benefits from requiring poll cards to be issued in all circumstances in terms of increasing voter awareness of the election, but we propose not to change the rule as yet, mindful of the possible cost implications for community councils.

13. Do you agree with this view? What would be the implications (good and bad) of requiring poll cards to be issued in all circumstances for community council elections?

The use of poll cards is considered key with raising voter awareness however it is acknowledged that there is a cost implication associated with the use of the same.  
The Vale of Glamorgan Council to assist historically has agreed to the cost of town/community council by-elections being paid over two financial years.

*Removal of formula for appointing counting agents (Principals and Communities)*

We have simplified the rule about the appointment of counting agents by removing the formula whereby the number counting agents allowed to a candidate must not be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates. The Welsh Government considers that it should be for the Returning Officer to consider the practicalities of the circumstances and the venue. The requirement that the number of counting agents must be the same for each candidate is retained.

14. Do you agree with the change removing the formula for appointing counting agents?

Yes, the formula approach does raise expectations.  
The arrangements in the draft rules are clear.

*Changes to rules to reflect content of existing prescribed forms (Principals and Communities)*

New drafting has been included in certain rules simply to make the wording of the rule consistent with requirements which hitherto have been included only in the related prescribed form. It is not really appropriate for these matters to be apparent only from the forms. The proposed changes do not alter the existing requirements, but will clarify matters by inserting specific references in the relevant rule:

- that in some cases a registration officer may dispense with the need for a signature on the postal voting statement for certain postal voters (see for example Principal Rules 29(3), 55(8)(a) (Sch 1) and 59(3)(a));
- where an elector has an anonymous entry on the register, the poll card must always be sent or delivered in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry (see, for example Principal Rule 32(6)(b))
- to make clear that an elector with an anonymous entry on the register will be given a ballot paper in the polling station only if they are able to show their official poll card to the presiding officer (see for example, Principal Rule 43(3)(a)).

15. Do you agree that the changes are appropriate and the drafting makes the rules clearer and consistent with the related forms?

Yes.

*Companions of a voter with a disability or unable to read: relatives (Principals and Communities)*

16. Do you agree that the list of relatives who may act as the companion assisting a voter is expanded to include a “grandparent” and a “grandchild” of the voter?

Yes.

*Modernisation of language and lay-out (Principals and Communities throughout)*

17. The language used in the rules and the lay-out has been modernised with a view to making the required actions and procedures clearer and more accessible to officers, candidates and other readers. Has the clarity been improved? Has anything been left out which needs to be included?

Yes, clarity has been improved by the use of plain English and the same are comprehensive.

*Prescribed forms (Principals and Communities)*

The existing Conduct Rules each include an Appendix with 15 prescribed forms. We consider that in many cases the requirements for the required procedure are sufficiently clearly expressed in the relevant rule so we propose to prescribe the following forms only: the nomination paper, the front and back of the ballot paper (including the directions as to printing the ballot paper), the form of the postal voting statement and the directions for the guidance for voters. We would not continue to prescribe the following forms: the corresponding number lists, the official poll cards, the certificates of employment and the declarations by a companion of a voter with disabilities. We will review the relevant rules to ensure the requirements about the contents are fully set out in the rule in question.

18. Do you agree with this change?

Yes, however with regard to the prescribed form of the ballot paper it is recommended that the official mark also appears on the front of the ballot paper (as well as on the back of the ballot paper) for ease of assessing the validity of the ballot paper by staff and count agents at the verification and count stages.

*Community rules only – Introductory Rule 5 (signatures for request for election to fill a casual vacancy)*

Introductory Rule 5 states that in the event of a casual vacancy on a community council, if 10 local government electors for the community / community ward in question submit a request to the relevant returning officer for an election (“a by-election”), a by-election must take place, subject to certain other requirements set out in introductory Rule 5.

The Welsh Government understands that some Returning Officers consider an email setting out the names of the 10 electors is sufficient to meet the request requirement. We do not share this view; the Welsh Government interprets the intention of the rule is that such a request should be *signed* by each of the 10 electors (whether submitted manually or electronically). We are not clear how many Returning Officers share the view that an email is sufficient, so we have not yet changed the rule, but if clarification is needed we shall do so to ensure it is clear that a request is indeed endorsed by the persons whose names support the request.

We have no proposals as yet to change introductory Rule 5 to make the calling of a by-election automatic.

19. Do you agree with the Welsh Government's interpretation of the current rule? If so, is amendment needed to allow the request to be submitted electronically and to provide assurance to the returning officer?

Yes, and this is the approach adopted by the Vale of Glamorgan Council's Returning Officer.

#### *Emergency Proxy's for reasons of COVID*

For the Senedd election in May 2021 and any local by-elections taking place up to November 2021, a further reason for making an application to vote by an emergency proxy was introduced. Electors who were not able to vote themselves because they were isolating for reasons of COVID or following Government advice were allowed to appoint an emergency proxy up to 5:00pm on the day of the election. We are giving consideration to whether the public health situation would indicate this provision should be extended further to allow emergency proxy for the reasons set out above for the 2021 local elections and any by-elections up to November 2022.

20. We would be grateful for views of how the process of applying and administering an emergency proxy of this sort may be improved.

The further time extension to November 2022 is supported.

21. We would like to know your views on the effects that The Local Elections (Principal Areas) (Wales) Rules 2021 and The Local Elections (Communities) (Wales) Rules 2021 would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

There are no issues to raise in this regard.

22. Please also explain how you believe the draft Local Elections (Principal Areas) (Wales) Rules 2021 and the draft Local Elections (Communities) (Wales) Rules 2021 could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating Welsh language no less favourably than the English language.

There are no issues to raise in this regard.

23. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

*Draft Rules laid before Senedd Cymru under sections 36A(10) of the Representation of the People Act 1983, for approval by resolution of Senedd Cymru*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2021 No. (W.)**

**CONSTITUTIONAL LAW**  
**REPRESENTATION OF THE**  
**PEOPLE, WALES**

The Local Elections (Principal  
Areas) (Wales) Rules 2021

**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

*Draft Rules laid before Senedd Cymru under section 36A(10) of the Representation of the People Act 1983, for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2021 No. (W.)**

**CONSTITUTIONAL LAW**

**REPRESENTATION OF THE  
PEOPLE, WALES**

**The Local Elections (Principal  
Areas) (Wales) Rules 2021**

*Made*

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*Coming into force in accordance with rule  
1(2)*

The Welsh Ministers, in exercise of the powers conferred by section 36A(1), (2), (4) to (6) and (9) of the Representation of the People Act 1983<sup>(1)</sup>, make the following Rules.

In accordance with section 36A(7) of that Act, the Welsh Ministers have consulted such persons as they considered appropriate.

In accordance with section 36A(10) of that Act, a draft of this instrument has been laid before and approved by a resolution of Senedd Cymru.

**Title and commencement**

**1.**—(1) The title of these Rules is the Local Elections (Principal Areas) (Wales) Rules 2021.

(2) These Rules come into force on the day after the day on which they are made.

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(1) c. 2. Section 36A of the Representation of the People Act 1983 was inserted by section 13(3) of the Local Government and Elections (Wales) Act 2021 (asc 1).

## Transitional provision

2. The coming into force of these Rules does not affect the conduct of an election of councillors for a county council or county borough council if, in the event of the election being contested, the poll would take place before 5 May 2022.

## Interpretation

3.—(1) In these Rules—

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

“the Combination of Polls Regulations” (“*y Rheoliadau Cyfuno Etholiadau*”) means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(1);

“excluded day” (“*diwrnod eithriedig*”) means a day that is—

- (a) a Saturday;
- (b) a Sunday;
- (c) Christmas Eve;
- (d) Christmas Day;
- (e) Good Friday;
- (f) a day that is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(2);

“home address information” (“*gwybodaeth am gyfeiriad cartref*”) in relation to a person nominated—

- (a) in Schedule 1, has the meaning given by rule 14(3) of that Schedule, and
- (b) in Schedule 2, has the meaning given by rule 14(3) of that Schedule;

“principal area” (“*prif ardal*”) means a county or county borough in Wales.

(2) An election is a “relevant election” if it is one of the following elections and the poll at the election is taken together with the poll at an election of councillors for a county council or county borough council—

- (a) a parliamentary election;
- (b) an election of councillors for a community council;
- (c) a mayoral election, that is, an election conducted under the Local Authorities

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(1) S.I. 2004/294 (as amended by the Local Government and Elections (Wales) Act 2021 (asc 1) and S.I. 2006/3278S.I. 2012/1917 and S.I. 2014/920).

(2) c. 80.

(Mayoral Elections) (England and Wales) Regulations 2007(1);

(d) a police and crime commissioner election, that is an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011(2).

(3) Unless otherwise indicated, the following words and expressions have the same meaning as in the 1983 Act (see section 202(1) of that Act)—

“anonymous entry” (“*eitem ddiennw*”);

“disability” (“*anabledd*”)

“election court” (“*llys etholiadau*”);

“election petition” (“*deiseb etholiad*”);

“elector” (“*etholwr*”);

“list of proxies” (“*rhestr o ddirprwyon*”);

“postal voters list” (“*rhestr o bleidleiswyr drwy’r post*”);

“proxy postal voters list” (“*rhestr o bleidleiswyr drwy’r post fel dirprwyon*”);

“proper officer” (“*swyddog priodol*”);

“record of anonymous entries” (“*cofnod o eitemau diennw*”);

“voter” (“*pleidleisiwr*”).

#### **Conduct of elections to the council of a principal area**

4.—(1) Schedule 1 sets out the rules that apply to the conduct of an election of councillors for a county council or county borough council where the poll at the election is not taken together with the poll at another election.

(2) References in the rules in Schedule 1 to the returning officer are references to the returning officer at the election of councillors for a county council or county borough council.

(3) Schedule 2 sets out the rules that apply to the conduct of an election of councillors for a county council or county borough council where the poll at the election is taken together with the poll at a relevant election.

(4) References in the rules in Schedule 2 to the coordinating returning officer are references to the returning officer who, under regulation 4 of the Combination of Polls Regulations, is responsible for discharging functions specified in regulation 5 of those Regulations.

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(1) S.I. 2007/1024.

(2) c.13.

(5) References in the rules in Schedule 2 to the returning officer are references to the returning officer at the election of councillors for a county council or county borough council (whether or not that person is also the co-ordinating returning officer), unless a particular rule otherwise provides.

(6) Where a rule in Schedule 1 or 2 requires the returning officer to publish a document, then (unless the rule provides otherwise) the document must be published—

- (a) online, and
- (b) in such other ways as the returning officer considers appropriate for bringing the contents of the document to the attention of the public.

(7) Where a rule in Schedule 1 or 2 requires or authorises a notice to be given, the notice may be—

- (a) sent by post,
- (b) sent electronically, or
- (c) delivered personally.

#### **Consequential amendments**

5. Schedule 3 contains consequential amendments.

*Name*

Title of Minister, one of the Welsh Ministers

Date

## SCHEDULES

### SCHEDULE 1 Rule 4(1)

#### Rules for Conduct of an Election of Councillors for a Principal Area where Poll is Not Taken Together with Poll at Another Election

#### PART 1

##### Provisions as to Time

##### **Timetable**

1.—(1) The proceedings at the election must be conducted in accordance with the following timetable.

##### **Timetable**

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than 4 p.m. on the nineteenth day before the day of election
Delivery of notices of withdrawals of candidature	Not later than 4 p.m. on the nineteenth day before the day of election
Publication of statement as to persons nominated	Not later than 4 p.m. on the eighteenth day before the day of election
Notice of uncontested election Notice of poll in contested election	Not later than the sixth day before the day of election
Polling	Between the hours of 7 a.m. and 10 p.m. on the day of election

(2) In this rule, “the day of election” means the day specified in the notice of election as the day on which a poll would take place in the event of a contest.

### **Computation of time**

2.—(1) An excluded day is to be disregarded in calculating any period set out in the second column of the timetable in rule 1.

(2) No proceedings under these rules up to the close of the poll may take place on an excluded day.

(3) The returning officer is not required to proceed with the counting of votes on an excluded day.

## PART 2

### Notice of Election, Nomination and Method of Election

#### Notice of Election

#### **Notice of election**

**3.**—(1) The returning officer must publish notice of the election.

(2) The notice must state—

- (a) the number of councillors to be returned for each electoral ward in the principal area,
- (b) the date of the poll in the event of a contest,
- (c) the place where, and the times at which, forms of nomination paper may be obtained, and
- (d) the place where, and the times at which, nomination papers may be delivered.

(3) The notice must also state the date by which applications to vote by post or by proxy, and other applications and notices about postal or proxy voting, must reach the registration officer in order to be effective for the election.

(4) The place specified in the notice as the place where forms of nomination paper may be obtained, and where they may be delivered, must be at the offices of the council for the principal area.

(5) *[The returning officer may also include in the notice either or both of the following statements—*

- (a) a statement that forms of nomination paper may be obtained online, with information about how and when that may be done;*
- (b) a statement that nomination papers may be delivered by being submitted online, with information about how and when that may be done.]*

#### Nomination

#### **Duty of returning officer to supply forms of nomination etc**

**4.**—(1) At the place and times for obtaining forms of nomination paper set out in the notice of election, the returning officer must—

- (a) supply any person with as many forms of nomination paper as the person may require, and
- (b) on request, prepare a nomination paper for signature.

(2) *[If the notice of election states that forms of nomination paper may be obtained online, the*

*returning officer must make arrangements for this in accordance with the information given in the notice.]*

(3) It is not, however, necessary for a nomination to be made on a form supplied by the returning officer [*or obtained online.*]

### **Nomination of candidates**

**5.**—(1) A candidate must nominate themselves using a nomination paper in the form in Appendix 1 or a form to the like effect.

(2) The nomination paper must be delivered to the place specified by the returning officer in the notice of election [*or, if the notice of election states that nomination papers may be delivered by being submitted online, by submission online in accordance with the information given in the notice.*]

(3) The nomination paper must—

- (a) state the candidate's full names, with the surnames placed first,
- (b) if the candidate wishes, include a description that complies with rule 6,
- (c) include a statement of party membership that complies with rule 8, and
- (d) include the declarations by the candidate set out in the form in Appendix 1.

(4) If a candidate commonly uses forenames or surnames that are different in any respect from the forenames or surnames stated in accordance with paragraph (3)(a) (including where the difference is that the commonly used forenames or surnames are in a different order, include only some of the names or include additional names), the nomination paper may also state the commonly used forenames or surnames.

(5) The nomination paper must be signed by the candidate in the presence of a witness who must attest the signature.

(6) The witness must be an elector and must complete a declaration set out in the form in Appendix 1.

(7) The nomination paper—

- (a) must be accompanied by a form (a "home address form") that complies with rule 9, and
- (b) if the candidate wishes, may be accompanied by a personal statement by the candidate that complies with rule 10.

(8) In this rule, "elector" means a person who is registered in the register of local government electors for the electoral ward in question on the last day for publication of the notice of election, except that—

- (a) it includes a person then shown in the register as below voting age only if it appears from

the register that they will be of voting age on the day fixed for the poll, and

- (b) it does not include a person who has an anonymous entry in the register.

### **Nomination papers: descriptions**

**6.**—(1) This rule sets out requirements about the descriptions that may be included in a nomination paper as mentioned in rule 5(3)(b).

(2) The description may be either—

- (a) a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under paragraph (3) or (as the case may be) paragraph (4), or
- (b) the word “Independent”.

(3) A description that is likely to lead electors to associate the candidate with a registered political party is permitted where—

- (a) the party is a qualifying party,
- (b) the description is either—
  - (i) the party’s registered name or, if the party has registered a name in English and a name in Welsh, either or both of those names, or
  - (ii) a registered description of the party or, in the case of a description that has been registered in both English and Welsh, either or both of those descriptions, and
- (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of the party and received by the returning officer before the last time for the delivery of nomination papers.

(4) A description that is likely to lead electors to associate the candidate with two or more registered political parties is permitted where—

- (a) the parties are each qualifying parties,
- (b) the description consists of the registered name of each of the parties shown in either or both of the versions described in paragraph (5), and
- (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of each of the parties and received by the returning officer before the last time for the delivery of nomination papers.

(5) The versions referred to in paragraph (4)(b) are—

- (a) a version showing (in any order) the parties' registered names, together with the addition of any appropriate conjunctions and punctuation in English ("the English version");
  - (b) a version showing (in any order) the parties' registered names, together with the addition of any appropriate conjunctions and punctuation in Welsh ("the Welsh version").
- (6) Where any of the parties has registered a name in English and a name in Welsh—
- (a) the party's registered name in English (and not the party's registered name in Welsh) may be used in the English version, and
  - (b) the party's registered name in Welsh (and not the party's registered name in English) may be used in the Welsh version.
- (7) See also rule 7 (which sets out when and how the word "Wales", "Welsh", "Cymru" or "Cymreig" may be added to descriptions permitted under paragraph (3) or (4)).
- (8) A person is guilty of a corrupt practice if that person fraudulently purports to be authorised to issue a certificate under paragraph (3)(c) or (4)(c) on behalf of a registered political party's nominating officer.
- (9) In this rule—
- (a) references to a registered name of a registered political party are to a name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000<sup>(1)</sup>;
  - (b) references to a registered description of a registered political party are to a description of the party registered under section 28A of that Act<sup>(2)</sup>.
- (10) For the purposes of the application of this rule in relation to an election—
- (a) "registered political party" means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day that is two days before the last day for the delivery of nomination papers at the election (disregarding any excluded day);
  - (b) a registered political party is a qualifying party if, on that day, the party is registered in respect of Wales in the Great Britain register maintained under Part 2 of that Act.

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(1) c. 41.

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

## **Addition of “Wales”, “Welsh”, “Cymru” or “Cymreig”**

7.—(1) This rule sets out when and how a candidate may make additions in a nomination paper to a description that the candidate is permitted to use under rule 6(3) or (4).

(2) Paragraph (3) applies where—

- (a) a registered name is or forms part of a description that a candidate is permitted to use under rule 6(3), and
- (b) the registered name includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.

(3) The candidate may do one of the following—

- (a) add the word “Wales” before the name;
- (b) add the word “Welsh” before the name;
- (c) add the word “Cymru” after the name;
- (d) add the word “Cymreig” after the name.

(4) Paragraph (5) applies where—

- (a) a registered name forms part of a description that a candidate is permitted to use under rule 6(4), and
- (b) the registered name includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.

(5) If the registered name is in the English version of the description (whether or not it is also in the Welsh version), the candidate may add either the word “Wales” or the word “Welsh” before the name in that version.

(6) If the registered name is in the Welsh version of the description (whether or not it is also in the English version), the candidate may add either the word “Cymru” or the word “Cymreig” after the name in that version.

(7) Paragraph (8) applies where—

- (a) a registered description is or forms part of a description that a candidate is permitted to use under rule 6(3), and
- (b) the registered description includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.

(8) The candidate may do one of the following—

- (a) add the word “Wales” at the beginning of the description;
- (b) add the word “Welsh” at the beginning of the description;
- (c) add the word “Cymru” at the end of the description;

(d) add the word “Cymreig” at the end of the description.

(9) For the purposes of paragraphs (3)(a) and (b) and (5), where the word “the” (or any word in another language that has the same function as the word “the”) appears at the beginning of a registered name, it must be ignored.

(10) Where a candidate adds anything to a description in a nomination paper in accordance with this rule, references in the following provisions of this Schedule to the description are references to the description with the addition.

### **Nomination papers: statements of party membership**

**8.**—(1) This rule sets out the requirements for statements of party membership that must be included in nomination papers as mentioned in rule 5(3)(c).

(2) The statement must state whether the candidate has been a member of any registered political party at any time during the relevant period.

(3) If the candidate has been a member of one or more registered political parties at any time during the relevant period, the statement must also include the following information in relation to the party or (as the case may be) each of the parties of which the candidate has been a member—

(a) the party’s registered name or, where the party has two registered names, the party’s registered names, and

(b) the times during the relevant period when the candidate has been a member of the party.

(4) Paragraph (3) does not apply where—

(a) the nomination paper includes a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under rule 6(3) or (as the case may be) rule 6(4), and

(b) the candidate has not at any time during the relevant period been a member of a registered political party other than the party or parties to which that description relates.

(5) A candidate who knowingly fails to include in the nomination paper a statement of party membership that complies with the requirements of this rule is guilty of a corrupt practice.

(6) In this rule—

(a) “registered political party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000

- at any time during the relevant period when the candidate is a member;
- (b) references to a registered name of a registered political party are to a name of the party registered under section 28 of that Act;
- (c) “the relevant period” means the period of 12 months ending with the day on which the candidate’s nomination paper is delivered.

**Home address forms**

**9.**—(1) This rule sets out the requirements for home address forms that must accompany nomination papers under rule 5(7)(a).

- (2) A home address form must state—
  - (a) the candidate’s full names,
  - (b) the candidate’s home address in full,
  - (c) the candidate’s qualifying address or addresses, and
  - (d) the qualification to which each qualifying address relates.

(3) The candidate’s qualifying address or addresses, and the qualification to which each qualifying address relates, depend on which one or more of options (a) to (d) on the nomination paper have been selected by the candidate, as set out in the following table.

<i>Option selected on nomination paper</i>	<i>Candidate's qualifying address</i>	<i>Qualification to which candidate's qualifying address relates</i>
Option (a)	The address in full in respect of which the candidate is registered as a local government elector	The qualification described in option (a) (registration as a local government elector for the county or county borough)
Option (b)	A description and the address of the land or premises that the candidate has occupied as owner or tenant (or, if the candidate is relying on more than one occupation to meet the qualification, the descriptions and addresses)	The qualification described in option (b) (occupation as owner or tenant, of land or other premises in the area of the county or county borough)
Option (c)	The address of the candidate's place of work (or, if the candidate is relying on more than one place of work to meet the qualification, the addresses)	The qualification described in option (c) (principal or only place of work in the area of the county or county borough)
Option (d)	The address or addresses	The qualification described in

	in full where the candidate has resided	option (d) (residence in the area of the county or county borough)
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(4) If the candidate's nomination paper includes commonly used forenames or surnames, the home address form must also state the commonly used names.

(5) The home address form must also state—

- (a) the full names of the person who witnesses the candidate's signature on the nomination paper, and
- (b) that person's home address in full.

(6) The home address form may contain a statement made and signed by the candidate that the candidate's home address must not be made public.

(7) If the home address form contains such a statement, it must—

- (a) where the candidate's home address is in the United Kingdom, state the name of the relevant area (see paragraph (8));
- (b) where the candidate's home address is outside the United Kingdom, state the country in which it is situated.

(8) In this rule, "relevant area" means—

- (a) where the candidate's home address is in Wales—
  - (i) if the address is within a county, that county;
  - (ii) if the address is within a county borough, that county borough;
- (b) where the candidate's home address is in England—
  - (i) if the address is within a district for which there is a district council, that district;
  - (ii) if the address is within a county in which there are no districts with councils, that county;
  - (iii) if the address is within a London borough, that London borough;
  - (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London;
  - (v) if the address is within the Isles of Scilly, the Isles of Scilly;
- (c) where the candidate's home address is in Scotland, the local government area in which the address is situated;

- (d) where the candidate's home address is in Northern Ireland, the local government district in which it is situated.

### **Personal statements**

**10.**—(1) This rule sets out the requirements for personal statements that may accompany nomination papers under rule 5(7)(b).

(2) A candidate's personal statement—

- (a) may be in any language that the candidate chooses,
- (b) must use Roman script,
- (c) must be no more than 180 words, and
- (d) must be solely about the candidate and the reasons why the candidate is seeking election.

(3) A candidate may not include in a personal statement—

- (a) anything that is obscene or offensive,
- (b) anything the publication of which would be likely to amount to the commission of an offence, or
- (c) anything that could mislead or confuse voters as to the electoral system in use at the election or the effect of giving their vote.

(4) A candidate's personal statement may include (without counting towards the word limit) a recent photograph of the candidate.

(5) A candidate's personal statement must also include (without counting towards the word limit)—

- (a) any description included in the nomination paper under rule 5(3)(b), and
- (b) the information contained in the statement of party membership included in the nomination paper under rule 5(3)(c).

(6) If a candidate's personal statement is in a language other than English or Welsh—

- (a) it must include a translation of the statement into English or Welsh or both, and
- (b) unless it includes a translation into both English and Welsh, it may also include a translation into another language.

(7) If a candidate's personal statement is in English, it may also include a translation into no more than two other languages.

(8) If a candidate's personal statement is in Welsh, it may also include a translation into no more than two other languages.

## **Decisions as to validity of nomination papers**

**11.**—(1) This rule applies where a nomination paper and the accompanying home address form are delivered in accordance with these rules.

(2) The candidate stands nominated unless and until one of the following events occurs—

- (a) the returning officer decides that the nomination paper is invalid;
- (b) the returning officer is satisfied that the candidate has died;
- (c) the candidate withdraws.

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

- (a) that the particulars of the candidate are not as required by law;
- (b) that the statement of party membership included in the nomination paper does not comply with rule 8;
- (c) that the candidate's home address form does not comply with rule 9(2) to (6);
- (d) where the candidate's home address form contains a statement that the home address must not be made public, that the form does not comply with rule 9(7);
- (e) that the nomination paper is not signed by the candidate, or that the candidate's signature has not been attested, as required by rule 5(5).

(4) Subject to paragraph (5), the returning officer must, as soon as reasonably practicable after each nomination paper and home address form have been delivered, examine them and decide whether the candidate has been validly nominated.

(5) If in the opinion of the returning officer a description in a nomination paper has been included in breach of rules 6(3) or (4) or 7, the returning officer must give a decision that the candidate's particulars are not as required by law—

- (a) as soon as reasonably practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours beginning with the close of the period for delivery of nomination papers.

(6) Where the returning officer decides that a nomination paper is invalid, the returning officer must endorse on the paper the fact of the decision and the reasons for it and sign the endorsement.

(7) The returning officer must give a notice to each candidate stating the returning officer's decision as to whether the candidate's nomination paper is valid or invalid.

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

(9) Except as provided by paragraph (8), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Nomination in more than one electoral ward**

**12.**—(1) A candidate who is validly nominated for more than one electoral ward of the same principal area must withdraw from candidature in all those electoral wards except one.

(2) A candidate who does not withdraw as required by paragraph (1) is to be treated as having withdrawn from candidature in all the electoral wards in which the candidate was validly nominated.

### **Withdrawal of candidates**

**13.**—(1) A candidate may withdraw from candidature by giving a notice of withdrawal to the returning officer.

(2) The notice of withdrawal must be signed by the candidate in the presence of a witness who must attest the candidate's signature.

### **Publication of statement of persons nominated and personal statements**

**14.**—(1) The returning officer must prepare and publish a statement (a "statement of persons nominated") showing—

- (a) the persons who have been and stand nominated, and
- (b) any other persons who have been nominated but no longer stand nominated, with the reason why they no longer stand nominated.

(2) The statement must show—

- (a) the names and descriptions (if any) of the persons nominated, as given in their nomination papers,
- (b) their home address information (see paragraph (3)), and
- (c) the information contained in their statements of membership of political parties, as given in their nomination papers.

(3) In these rules, references to the home address information of a person nominated are to the following information as given in the home address form accompanying the nomination paper—

- (a) where the home address form contains a statement that the home address must not be

made public, the information given in accordance with rule 9(7);

- (b) where the home address form does not contain such a statement, the address of the person nominated.

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

(5) At the same time as publishing the statement of persons nominated, the returning officer must publish online the personal statements of those persons shown as standing nominated who provided a personal statement complying with rule 10.

(6) Rule 15 (use of commonly used names) and rule 16 (names that are the same or similar) make further provision about the content of the statement of persons nominated.

#### **Use of commonly used names in statement of persons nominated**

**15.**—(1) This rule applies where a person's nomination paper gives commonly used forenames or surnames in accordance with rule 5(4).

(2) The statement of persons nominated must show the person's commonly used forenames or surnames (instead of the forenames or surnames stated in the nomination paper in accordance with rule 5(3)(a)) unless the returning officer decides—

- (a) that the use of the person's commonly used forenames or surnames may be likely to mislead or confuse electors, or
- (b) that the commonly used forenames or surnames are obscene or offensive.

(3) Where paragraph (2)(a) or (b) applies—

- (a) the statement of persons nominated must show the person's other forenames or surnames as stated in the nomination paper in accordance with rule 5(3)(a) (instead of the commonly used forenames or surnames), and
- (b) the returning officer must give a notice to the candidate stating the reasons for refusing to allow the use of the commonly used forenames or surnames.

#### **Names that are the same or similar**

**16.**—(1) This rule applies where, in preparing a statement of persons nominated, the returning officer decides that—

- (a) two or more of the names that would be shown on the statement are the same or so similar as to be likely to cause confusion,
- (b) each of the persons concerned has made a statement that they require their home address not to be made public (see rule 9(6)), and
- (c) the information given in accordance with rule 9(7) is the same for each of them.

(2) The returning officer may arrange for any of their particulars to be shown on the statement of persons nominated with such amendments or additions as the returning officer thinks appropriate to reduce the likelihood of confusion.

(3) In deciding whether to make amendments or additions under this rule, the returning officer must have regard to any guidance given by the Electoral Commission for the purposes of this rule.

(4) Where it is practicable to do so before the publication of the statement, the returning officer must consult any persons whose particulars are to be amended or added to under this rule.

(5) The returning officer must give a notice to any person whose particulars are amended or added to under this rule, setting out the amendments or additions.

(6) Anything done by a returning officer under this rule may not be questioned in any proceedings other than proceedings on an election petition.

#### **Correction of minor errors in nomination papers etc**

**17.**—(1) A returning officer may, at any time before the publication of the statement of persons nominated, correct minor errors in a nomination paper, home address form or personal statement.

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number;
- (b) obvious errors of spelling;
- (c) errors as to the information given in accordance with rule 9(7) (information that must be included where the candidate has stated that the home address must not be made public).

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

(4) In deciding whether to correct minor errors under this rule, a returning officer must have regard to any guidance given by the Electoral Commission for the purposes of this rule.

### **Inspection of nomination papers**

**18.**—(1) During the time for inspection, any person may inspect nomination papers that have been delivered.

(2) In paragraph (1), “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.

(3) A person inspecting nomination papers may take a copy of, or make extracts from, the papers.

### **Inspection of home address forms**

**19.**—(1) During the time for inspection, the home address form of a candidate standing nominated may be inspected by any of the following who wish to inspect it—

- (a) another candidate standing nominated in the same electoral ward;
- (b) the election agent of another candidate standing nominated in that ward;
- (c) in the case of another candidate standing nominated in that ward who is acting as their own election agent, another person selected by that candidate.

(2) In paragraph (1), “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.

(3) A candidate or other person carrying out an inspection under this rule must not take a copy of, or make extracts from, a home address form.

(4) The returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule or for some other purpose authorised by law.

### **Adjournment of nomination proceedings in the case of riot**

**20.**—(1) This rule applies if proceedings for, or in connection with, nomination are interrupted or obstructed on any day by riot or open violence.

(2) The proceedings must be abandoned for that day.

(3) If the day on which the proceedings are abandoned is the last day for the delivery of nomination papers, the proceedings must be resumed on the next day (as if it were instead the last day for the delivery of nomination papers).

(4) Where proceedings are resumed on the next day as required by paragraph (3), that day must be treated for the purposes of these rules as being the last day for delivery of nomination papers (subject to any further

application of paragraph (3) in the event of interruption or obstruction on that day).

(5) Where proceedings are abandoned under this rule—

- (a) nothing may be done after the proceedings are resumed if the time for doing it had passed when the proceedings were abandoned, and
- (b) nothing done before the proceedings were abandoned is invalidated by reason of their abandonment.

#### Method of Election

### **Decision as to whether election is contested and next steps**

**21.**—(1) The returning officer must determine whether the number of persons remaining validly nominated for the electoral ward after any withdrawals under rule 13 exceeds the number of councillors to be elected.

(2) If the number of persons remaining validly nominated does not exceed the number of councillors to be elected, the returning officer must declare the person or persons standing validly nominated to be elected.

(3) The returning officer must also—

- (a) give a notice stating the names of those declared to be elected to the proper officer of the council for the principal area, and
- (b) publish their names.

(4) If the number of persons remaining validly nominated exceeds the number of councillors to be elected, a poll must be taken in accordance with Part 3.

## PART 3

### The Poll at Contested Elections

#### General Provisions

### **Poll to be taken by ballot**

**22.**—(1) The votes at the poll must be given by ballot.

(2) The result must be ascertained in accordance with Part 4 (counting of votes).

### **The ballot papers**

**23.**—(1) The ballot of every voter must consist of a ballot paper.

(2) The only persons entitled to have their names inserted on the ballot paper are those remaining validly

nominated for the electoral ward after any withdrawals under rule 13.

(3) A ballot paper must be—

- (a) in the form in Appendix 2, and
- (b) printed in accordance with the directions in that Appendix.

(4) The ballot paper must—

- (a) contain the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated,
- (b) be capable of being folded up, and
- (c) have a number and other unique identifying mark printed on the back.

(5) At the request of a candidate who is authorised under rule 6(3)(c) to use a description likely to lead electors to associate the candidate with a registered political party, the ballot paper must contain, against the candidate's particulars, one registered emblem of the party.

(6) At the request of a candidate who is authorised under rule 6(4)(c) to use a description likely to lead electors to associate the candidate with two or more registered political parties, the ballot paper must contain, against the candidate's particulars, one registered emblem of one of the parties.

(7) The candidate's request under paragraph (5) or (6) must be—

- (a) made in writing to the returning officer, and
- (b) received by the returning officer before the last time for the delivery of nomination papers as set out in the timetable in rule 1.

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

### **Corresponding number list**

**24.**—(1) The returning officer must prepare a list ("the corresponding number list") in accordance with this rule.

(2) The corresponding number list must be in two parts.

(3) Part 1 must contain the numbers and unique identifying marks of all ballot papers to be issued in pursuance of rule 29(1) (postal ballot papers).

(4) Part 2 must contain the numbers (but not the unique identifying marks) of all ballot papers to be provided in pursuance of rule 33(1) (provision of ballot boxes and ballot papers at polling stations).

(5) The corresponding number list must be in the form set out in Appendix 3 or a form to the like effect.

### **The official mark**

**25.**—(1) Each ballot must contain an appropriate security marking (“the official mark”).

(2) The official mark must be kept secret.

(3) An interval of not less than five years must intervene between the use of the same official mark at elections for the same county or county borough.

(4) The returning officer may use a different official mark for different purposes at the same election.

### **Prohibition of disclosure of vote**

**26.** A person who has voted at the election may not be required to state for whom they voted in any legal proceedings to question the election.

### **Use of schools and public rooms**

**27.**—(1) The returning officer may use any of the following rooms free of charge for the purpose of taking the poll or counting the votes —

- (a) a room in a school maintained or assisted by a county or county borough council;
- (b) a room in a school in respect of which grants are made out of money provided by Senedd Cymru, or by Parliament, to the person or body responsible for the management of the school;
- (c) any other room if the expense of maintaining the room is payable wholly or mainly out of public funds.

(2) Where a room described in paragraph (1) is used for the purpose of taking the poll or counting the votes, the returning officer must—

- (a) make good any damage to the room resulting from its use for that purpose, and
- (b) defray any expense incurred by the person or body having control over the room by reason of its use for that purpose.

Action to be taken before the poll

### **Notice of poll**

**28.**—(1) The returning officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll,
- (b) the number of councillors to be elected for the electoral ward, and
- (c) the names and descriptions (if any) of each candidate remaining validly nominated and their home address information.

(2) The candidates' particulars, and the order of the candidates' names, must be the same as in the statement of persons nominated.

(3) The returning officer must, before or at the same time as publishing notice of the poll, also publish notice of—

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

(4) The returning officer must, as soon as practicable after publishing notice under paragraph (3), give a copy of it to each of the election agents.

### **Postal ballot papers**

**29.**—(1) The returning officer must, in accordance with regulations under the 1983 Act, issue to those entitled to vote by post—

- (a) a ballot paper,
- (b) a postal voting statement in the form set out in Appendix 4 or a form to the like effect, and
- (c) such envelopes for the return of the ballot paper and postal voting statement as may be prescribed by regulations under the 1983 Act.

(2) The returning officer must also issue to those entitled to vote by post such information as the returning officer considers appropriate about how to obtain—

- (a) translations into languages other than English and Welsh of any directions to or guidance for voters sent with the ballot paper,
- (b) a translation into Braille of such directions or guidance,
- (c) graphical representations of such directions or guidance, and
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision —

- (a) for the form to be signed by the elector or, where the elector is voting by proxy, the proxy, unless the registration officer has dispensed with the requirement for a signature, and
- (b) for stating the date of birth of the elector or, where the elector is voting by proxy, the proxy.

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

### **Provision of polling stations**

**30.**—(1) The returning officer must—

- (a) provide a sufficient number of polling stations, and
- (b) allot the electors to the polling stations.

(2) One or more polling stations may be provided in the same room.

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

### **Appointment of presiding officers and clerks**

**31.**—(1) The returning officer must appoint and pay—

- (a) a presiding officer to attend at each polling station, and
- (b) such number of clerks as may be necessary for the purposes of the poll or the count or otherwise for the purposes of the election.

(2) The returning officer must not knowingly appoint, as a presiding officer or clerk, a person who has been employed by or on behalf of a candidate in connection with the election.

(3) The returning officer may preside at a polling station.

(4) Where the returning officer presides at a polling station, these rules apply to the returning officer so presiding with the necessary modifications as to things done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(5) A presiding officer may authorise the clerks to do anything (including asking questions) that the presiding officer is required or authorised by these rules to do at a polling station, except ordering the exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

**32.**—(1) The returning officer must, as soon as practicable after publishing notice of the election, send or deliver—

- (a) an official poll card to electors not voting by post,
- (b) an official postal poll card to electors voting by post and not by proxy,
- (c) an official proxy poll card to a person voting as proxy for an elector and not by post, and
- (d) an official proxy postal poll card to a person voting as proxy for an elector by post.

(2) An official poll card or an official postal poll card must be sent or delivered to the elector's qualifying address.

(3) An official proxy poll card or an official proxy postal poll card must be sent or delivered to the proxy's address, as shown in the list of proxies.

(4) Each poll card must be in the appropriate form in Appendix 5 or a form to the like effect and must set out—

- (a) the name of the council to which councillors are to be elected,
- (b) the electoral ward for which councillors are to be elected,
- (c) the number of councillors to be elected for that electoral ward,
- (d) the elector's name, qualifying address and number on the register,
- (e) the date and hours of the poll and the situation of the elector's polling station, and
- (f) such other information as the returning officer considers appropriate.

(5) Different information may be provided under paragraph (4)(f) to different electors or descriptions of elector.

(6) In the case of an elector with an anonymous entry, the poll card—

- (a) must contain such information as is specified in Appendix 5 instead of the information set out in paragraph (4)(d), and
- (b) must be sent or delivered in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry.

(7) In this rule—

- (a) "elector" means a person who is registered in the register of local government electors for the electoral ward in question on the last day for the publication of notice of the election, except that it includes a person then shown in the register (or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries) as below voting age only if it appears from the register (or the record of anonymous entries) that the person will be of voting age on the day fixed for the poll.
- (b) "qualifying address" has the same meaning as in the 1983 Act (see section 202(1) of that Act).

## Equipment of polling stations

**33.**—(1) The returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as the returning officer considers necessary.

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

(3) The returning officer must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,
- (b) copies of the relevant register of electors,
- (c) copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act<sup>(1)</sup> so far as relating to the relevant register of electors,
- (d) copies of the parts of any lists of persons entitled to vote by post or by proxy that correspond to the relevant register of electors, and
- (e) a list (“the polling station’s corresponding number list”) consisting of that part of Part 2 of the corresponding number list prepared under rule 24 that contains the numbers, but not the other unique identifying marks, corresponding to those on the ballot papers provided to the presiding officer under paragraph (1).

(4) In paragraph (3), “the relevant register of electors” means the register of electors for the electoral ward or such part of it as contains the entries relating to the electors allotted to the polling station.

(5) The returning officer must cause to be displayed at each polling station an enlarged sample copy of the ballot paper.

(6) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.

(7) The returning officer must also provide each polling station with—

- (a) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially-sighted, and

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(1) Sections 13 to 13B of the 1983 Act were substituted for section 13 of that Act by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Section 13B(3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006.

- (b) a device for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or a companion (see rules 44 to 46 for the assistance that may be obtained from the presiding officer or a companion).

(8) The sample copy of the ballot paper required to be displayed and provided by paragraphs (5) and (7)(a) must be clearly marked as specimen and provided only for the guidance of voters.

(9) The device referred to in paragraph (7)(b) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper,
- (b) hold the ballot paper firmly in place during use, and
- (c) provide a suitable means for the voter to—
  - (i) identify the spaces on the ballot paper on which votes may be marked,
  - (ii) identify the candidate to which each space refers, and
  - (iii) mark their vote on the space chosen.

(10) The returning officer must also cause a notice in the form in Appendix 6, giving directions for the guidance of votes in voting, to be displayed—

- (a) inside each voting compartment in the polling station,
- (b) inside the polling station (but outside the voting compartments), and
- (c) outside the polling station.

(11) The returning officer may also provide copies of the notice in Braille or in such languages other than English and Welsh as the returning officer considers appropriate.

### **Appointment of polling and counting agents**

**34.**—(1) A candidate may, before the poll begins, appoint—

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

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

(3) The returning officer may limit the number of counting agents but the number must be the same for each candidate.

(4) The candidate must give a notice to the returning officer where polling agents or counting agents are appointed.

(5) The notice must—

- (a) give the names and addresses of the persons appointed, and
- (b) be given no later than the fifth day before the day of the poll, disregarding any excluded day.

(6) If a polling agent or counting agent dies or becomes incapable of acting—

- (a) the candidate may appoint another agent instead, and
- (b) must immediately give the returning officer a notice stating the other agent's name and address.

### **Polling and counting agents: supplemental provision**

**35.**—(1) A candidate or the candidate's election agent—

- (a) may do anything that the candidate's polling or counting agent is authorised to do (or would, if appointed, have been authorised to do);
- (b) may assist the candidate's polling or counting agent to do anything that the polling or counting agent is authorised to do.

(2) Anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done instead in the presence of the candidate's election agent.

(3) Where these rules require or authorise something to be done in the presence of the polling or counting agents, the non-attendance of the agent or agents at the time and place appointed does not invalidate the thing done.

(4) Where a candidate does not have a counting agent, the returning officer may give the candidate any notice that is required by these rules to be given to the counting agent.

### **Notification of requirement of secrecy**

**36.**—(1) The returning officer must make arrangements to ensure that every person attending at a polling station, other than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty, has been given a notice setting out the provisions of section 66(1), (3) and (6) of the 1983 Act.

(2) In this rule, a reference to a constable includes a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002<sup>(1)</sup> (police powers for civilian staff and volunteers).

### **Return of postal ballot papers**

**37.**—(1) Where a postal vote has been returned in respect of a person who is entered on the postal voters list, the returning officer must mark the list in the manner prescribed by regulations under the 1983 Act.

(2) Where a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list, the returning officer must mark the list in the manner prescribed by regulations under that Act.

(3) Rule 55(7) does not apply for the purpose of deciding whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

### **The Poll**

### **Admission to polling station**

**38.**—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters allotted to the polling station,
- (b) persons under the age of 16 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) the returning officer or members of the returning officer's staff,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (representatives of the Electoral Commission and accredited observers)<sup>(2)</sup>,
- (h) the constables on duty, and
- (i) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 16 who accompany them who are admitted to the polling station at the same time.

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(1) c. 30. (as amended by the Policing and Crime Act 2017 (c. 3))

(2) Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006.

(3) Only one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable voting in person may do so either—

- (a) at the polling station allotted under these rules, or
- (b) at another polling station, if the constable produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by an officer of police of or above the rank of inspector.

(5) A person employed by the returning officer, if voting in person, may do so either—

- (a) at the polling station allotted under these rules, or
- (b) at another polling station, if the person produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by the returning officer.

(6) A certificate surrendered under paragraph (4) or (5) must immediately be cancelled.

(7) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

### **Keeping of order in station**

**39.**—(1) The presiding officer must keep order at the polling station.

(2) If a person engages in misconduct in a polling station, or fails to obey any orders lawfully given by the presiding officer, the presiding officer may order that the person be removed from the polling station.

(3) Where the presiding officer orders that a person be removed, the person may be removed immediately—

- (a) by a constable in or near the polling station, or
- (b) by any other person authorised in writing by the returning officer to remove people from the polling station.

(4) Where a person is removed, the person must not, without the presiding officer's permission, re-enter the polling station on the day of the poll.

(5) Where a person who is removed is charged with the commission of an offence in the polling station, the person may be dealt with as a person taken into custody by a constable for an offence without a warrant.

(6) The powers conferred by this rule must not be exercised so as to prevent a voter who is otherwise

entitled to vote at a polling station from having an opportunity of voting at that station.

**Sealing of ballot boxes**

**40.**—(1) The presiding officer must take the following steps immediately before the poll begins.

(2) The presiding officer must show the empty ballot box to those people (if any) who are present in the polling station, so that they may see that it is empty.

(3) The presiding officer must then—

- (a) lock up the box, if it has a lock, and
- (b) place the returning officer’s seal on it, in such a way as to prevent it being opened without breaking the seal.

(4) The presiding officer must then place the box, within the presiding officer’s view, for the receipt of ballot papers.

(5) The presiding officer must keep the box locked and sealed or (if it does not have a lock) keep it sealed.

**Questions that may be put to voters**

**41.**—(1) At the time of an application for a ballot paper (but not afterwards), the presiding officer may put to any person described in the first column of Table 1 (set out in paragraph (3)) or in the first column of Table 2 (set out in paragraph (4)), one or more of the questions set out in the corresponding entry in the second column.

(2) If required to do so by the candidate or the candidate’s election or polling agent, the presiding officer must put to any person described in the first column of Table 1 one or more of the questions set out in the corresponding entry in the second column.

(3) Table 1 sets out questions that a presiding officer may put under paragraph (1) and that a candidate (or the candidate’s election or polling agent) may require to be put under paragraph (2).

**Table 1**

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector	1(a) Are you the person registered in the register of local government electors for this election as follows?  Notes to 1(a) The presiding officer must then read the whole entry from the copies of the registration records.

	<p>1(b) Have you already voted, in this or another electoral ward, at the election of councillors for this county/county borough, otherwise than as proxy for some other person?</p> <p>Notes to 1(b) The presiding officer must say either “county” or “county borough”, as appropriate. The words “, in this or another electoral ward,” may be omitted if an election is taking place only in one electoral ward.</p>
<p>2. A person applying as proxy for an elector other than an elector who has an anonymous entry</p>	<p>2(a) Are you the person whose name appears as AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD?</p> <p>2(b) Have you already voted, in this or another electoral ward, at the election of councillors for the county/county borough, as proxy on behalf of CD?</p> <p>2(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD?</p> <p>Notes to 2(a) to (c) Where a question refers to AB, the presiding officer reads out the name as it appears in the list of proxies. Where a question refers to CD, the presiding officer reads out the name of the elector.</p> <p>Note to 2(b) The presiding officer must say either “county” or “county borough”, as appropriate. The words “, in this or another electoral ward,” may be omitted if an</p>

	election is taking place only in one electoral ward.
3. A person applying as proxy for an elector who has an anonymous entry	<p>3(a) Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(b) Have you already voted as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is [x]?</p> <p>Note to 3(a) to (c) Where the questions in this entry refer to [x], the presiding officer must read the elector's number from the copies of the registration records.</p>
4. A person applying as proxy who has been asked the question numbered 2(c) or 3(c) in column 2 and has not answered "Yes"	<p>4. Have you already voted, in this or another electoral ward, at the election of councillors for the county/county borough, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?</p> <p>Note to 4 The presiding officer must say either "county" or "county borough", as appropriate. The words "in this or another electoral ward," may be omitted if an election is taking place only in one electoral ward.</p>

(4) Table 2 sets out the questions that a presiding officer may put under paragraph (1) (but cannot be required to put under paragraph (2)).

**Table 2**

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector in relation to whom there is an entry in the postal voters list	1(a) Did you apply to vote by post?  1(b) Why have you not voted by post?
2. A person applying as proxy who is named in the proxy postal voters list	2(a) Did you apply to vote by post as proxy?  2(b) Why have you not voted by post as proxy?

(5) A ballot paper must not be given to any person required to answer one or more of the questions in Table 1 or 2 unless the person has answered the question or questions satisfactorily.

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

(7) In this rule, “the copies of the registration records” means the copies provided by the returning officer for the polling station under rule 33(3)(b) and (c) (copies of the relevant register of electors and copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act relating to the relevant register of electors).

### **Challenge of voter**

**42.** A person must not be prevented from voting by reason only that either or both of the following apply—

- (a) a candidate or a candidate’s election or polling agent has made a written declaration that they have reasonable cause to believe that the person has committed an offence of personation;
- (b) the person is arrested on the grounds that they are suspected of committing or being about to commit an offence of personation.

### **Voting procedure**

**43.—(1)** A ballot paper must be given to a voter who applies for one.

(2) Immediately before the ballot is given—

- (a) the number of the elector, as stated in the copies of the registration records, must be called out,

- (b) unless the elector has an anonymous entry, the name of the elector, as stated in the copies of the registration records, must also be called out,
- (c) the number of the elector must be marked on the polling station's corresponding number list beside the number of the ballot paper to be issued,
- (d) a mark must be placed in the copies of the registration records against the number of the elector to note that a ballot paper has been received, but without showing the particular ballot paper that has been received, and
- (e) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.

(3) In the case of an elector who has an anonymous entry—

- (a) the ballot paper may be given only if the elector's official poll card is shown to the presiding officer, and
- (b) only the elector's number may be called out.

(4) On receiving the ballot paper, the voter must go immediately into one of the compartments in the polling station.

(5) Without undue delay, the voter must then—

- (a) secretly mark the ballot paper,
- (b) fold the ballot paper up so as to conceal the vote,
- (c) show the presiding officer the back of the ballot paper, so as to disclose the number and other unique identifying mark, and
- (d) put the ballot paper into the ballot box in the presiding officer's presence.

(6) As soon as the voter has put the ballot paper in the ballot box, the voter must leave the polling station.

(7) If a voter is in the polling station, or in a queue outside the polling station, at the close of the poll and has not yet been able to cast their vote, the presiding officer must permit the voter to cast their vote as soon as practicable.

(8) In this rule, "the copies of the registration records" has the same meaning as in rule 41 (see paragraph (7) of that rule).

**Voters with a disability or unable to read: marking of votes by presiding officer**

**44.**—(1) A voter may apply to the presiding officer for their vote to be marked if the voter—

(a) is unable, because of blindness or other disability, to vote in the manner directed by these rules, or

(b) declares orally that they are unable to read.

(2) Where an application is made, the presiding officer must, in the presence of any polling agents who are in the polling station when the application is made—

(a) cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and

(b) cause the ballot paper to be placed in the ballot box.

(3) Where a voter's vote is marked in pursuance of paragraph (2), the presiding officer must enter the following details on a list maintained by the presiding officer for the purposes of this rule ("the list of votes marked by the presiding officer")—

(a) the name and number of the voter, as shown in the copies of the registration records, and

(b) the reason why the vote was marked.

(4) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name in the list of votes marked by the presiding officer is the elector's number.

(5) In this rule, "the copies of the registration records" has the same meaning as in rule 41 (see paragraph (7) of that rule).

**Voters with a disability or unable to read: assistance of companions**

**45.**—(1) A voter may apply to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of a companion.

(2) Where an application is made, the presiding officer must require the voter to declare, orally or in writing, whether the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.

(3) In the following provisions of this rule, a voter who declares that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion is referred to as a voter with disabilities.

(4) At the time when an application to vote with the assistance of a companion is made, the companion must make a written declaration before the presiding officer that the companion—

(a) is eligible to assist the voter (see paragraph (5)), and

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

- (5) The companion is eligible to assist the voter if—
- (a) the companion is entitled to vote as an elector at the election, or
  - (b) is a relative of the voter and has attained the age of 16.

(6) For the purposes of paragraph (5), a person is a “relative” of the voter if they are the parent, grandparent, brother, sister, spouse, civil partner, child or grandchild of the voter.

- (7) The companion’s declaration—
- (a) must be in the form in Appendix 8, and
  - (b) must be given to the presiding officer who must attest it and retain it.

(8) The presiding officer must grant the voter’s application for the assistance of a companion if the presiding officer—

- (a) is satisfied that the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion, and
- (b) is also satisfied by the companion’s written declaration that the companion is eligible to assist the voter and has not previously assisted more than one voter with disabilities to vote at the election.

(9) Where the application is granted—

- (a) anything that is required to be done by these rules to the voter in connection with the giving of the vote may be done instead to the companion, and
- (b) the voter may do anything that needs to be done in connection with the giving of the vote with the assistance of the companion.

**Voting with the assistance of a companion: supplemental provision**

**46.**—(1) Where a vote is given with the assistance of a companion in accordance with rule 45, the presiding officer must then enter the following details in a list maintained by the presiding officer (“the list of voters with disabilities assisted by companions”)—

- (a) the name and number of the voter, as shown in the copies of the registration records, and
- (b) the name and address of the companion.

(2) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name in the list of voters with disabilities assisted by companions is the elector’s number.

(3) Where the voter has an anonymous entry, only the voter’s number in the copies of the registration

records may be entered in the list of voters with disabilities assisted by companions.

(4) No fee or other payment may be charged in respect of a declaration made by a companion under rule 45(4).

(5) In this rule, “the copies of the registration records” has the same meaning as in rule 41 (see paragraph (7) of that rule).

**Tendered ballot papers: circumstances where available**

**47.**—(1) This rule sets out circumstances where a person who applies for a vote (“the applicant”) is entitled to vote on satisfactorily answering the questions permitted by law to be asked at the poll but where the procedure for giving the vote is modified in the following two ways—

- (a) the person must use a ballot paper that is of a different colour to other ballot papers, and
- (b) the person must give the ballot paper to the presiding officer (instead of putting it in the ballot box).

*Circumstances where vote already given in person*

(2) The first set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records and not named in the postal voters list or list of proxies, and
- (b) another person has already voted in person either as that elector or as that elector’s proxy.

(3) The second set of circumstances is where—

- (a) the applicant represents themselves to be a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy, and
- (b) another person has already voted in person either as that elector or as that elector’s proxy.

*Circumstances where applicant on postal voters list claims not to have applied for postal vote*

(4) The third set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records,
- (b) the applicant is also named in the postal voters list, and
- (c) the applicant claims not to have made an application to vote by post at the election.

(5) The fourth set of circumstances is where—

- (a) the applicant represents themselves to be a particular person named as a proxy in the list of proxies,
- (b) that person is also named in the proxy postal voters list, and
- (c) the applicant claims not to have made an application to vote by post as proxy at the election.

*Circumstances where applicant claims to have lost postal ballot paper etc*

(6) The fifth set of circumstances is where—

- (a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular elector named in the copies of the registration records who is also named in the postal voters list, and
- (b) the applicant claims to have lost or not to have received that person’s postal ballot paper.

(7) The sixth set of circumstances is where—

- (a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular person named as a proxy in the list of proxies who is also named in the proxy postal voters list, and
- (b) the applicant claims to have lost or not to have received that person’s postal ballot paper.

(8) A ballot paper that is given to the presiding officer in accordance with this rule is referred to in these rules as a “tendered ballot paper”.

(9) Where an elector has an anonymous entry, the references in this rule to a person named in the copies of the registration records or a list is to be read as a reference to a person who has a number in the copies or list.

(10) In this rule, “the copies of the registration records” has the same meaning as in rule 41 (see paragraph (7) of that rule).

**Duties of presiding officer in relation to tendered ballot papers**

**48.—**(1) This rule sets out the duties of the presiding officer in relation to tendered ballot papers.

(2) The presiding officer must endorse the following information on the ballot paper—

- (a) the name of the voter, and

- (b) the voter's number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.

(3) The presiding officer must put the ballot paper in a separate packet.

(4) The following information must be entered on a list (the "tendered votes list")—

- (a) the name of the voter, and
- (b) the voter's number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.

(5) Where an elector has an anonymous entry, the presiding officer must not include the name of the voter on the ballot paper or in the tendered votes list.

(6) In this rule, "the copies of the registration records" has the same meaning as in rule 41 (see paragraph (7) of that rule).

### **Spoilt ballot papers**

**49.**—(1) This rule applies where a voter has inadvertently dealt with their ballot paper in such a manner that it cannot conveniently be used as a ballot paper.

- (2) The voter may obtain another ballot paper by—
  - (a) giving the ballot paper that was inadvertently dealt with (the "spoilt ballot paper") to the presiding officer, and
  - (b) proving to the presiding officer's satisfaction that it was dealt with inadvertently.

(3) Where the voter is given another ballot paper, the spoilt ballot paper must be cancelled immediately.

### **Correction of errors on day of poll**

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

### **Adjournment of poll in case of riot**

**51.**—(1) This rule applies where proceedings at any polling station are interrupted or obstructed by riot or open violence.

- (2) The presiding officer—
  - (a) must adjourn the proceedings until the following day, and
  - (b) immediately inform the returning officer.

(3) Where the poll is adjourned at a polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
- (b) references in these rules to the close of the poll are to be read as references to the end of the hours of polling on the day to which it is adjourned.

### **Procedure on close of poll**

**52.**—(1) This rule sets out the steps that must be taken by the presiding officer as soon as practicable after every voter has cast their vote.

(2) In the presence of the polling agents, the presiding officer must seal each ballot box (with the key if any attached) in use at the polling station so as to prevent the introduction of additional ballot papers, using the presiding officer’s seal and the seals of any polling agents who wish to affix their seal.

(3) In the presence of the polling agents, the presiding officer must place each of the following in separate packets, sealed using the presiding officer’s seal and the seals of any polling agents who wish to affix their seal—

- (a) the unused and spoilt ballot papers (together);
- (b) the tendered ballot papers;
- (c) the marked copies of the registration records and list of proxies (together);
- (d) the polling station’s corresponding number list, as marked (see rule 43(2)(c)) (referred to in the following provisions of these rules as “the completed corresponding number list”);
- (e) any certificates surrendered under rule 38(4) or (5) (surrender of certificates issued to constables or staff of returning officers);
- (f) the following lists and declarations (together)—
  - (i) the list of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads “disability” and “unable to read” (see rule 44);
  - (ii) the declarations made by the companions of voters with disabilities (see rule 45);
  - (iii) the list of voters with disabilities assisted by companions (see rule 46);
  - (iv) the tendered votes list (see rule 48);
  - (v) the list maintained under rule 50 (correction of errors on day of poll).

(4) The presiding officer must deliver the sealed ballot boxes and packets to the returning officer or

cause them to be delivered in accordance with arrangements approved by the returning officer.

(5) The packets must be accompanied by a statement (“a ballot paper account”) prepared by the presiding officer showing—

- (a) the number of ballot papers given to the presiding officer;
- (b) how the ballot papers are accounted for under the following headings—
  - (i) the number of ballot papers issued and not otherwise accounted for;
  - (ii) the number of ballot papers unused;
  - (iii) the number of spoilt ballot papers;
  - (iv) the number of tendered ballot papers.

(6) In this rule, “the marked copies of the registration records” means the copies of the registration records (as defined by rule 41(7)), as marked in accordance with these rules.

## PART 4

### Counting of Votes and Declaration of Result at Contested Elections

#### **Arrangements for the counting of votes**

**53.**—(1) The returning officer must make arrangements for the votes to be counted in the presence of the counting agents as soon as practicable after the close of the poll.

(2) The returning officer must give the counting agents a notice stating the time and place at which the returning officer will begin to count the votes.

#### **Attendance at the counting of votes**

**54.**—(1) The following persons are entitled to be present at the counting of votes—

- (a) the returning officer and members of the returning officer’s staff;
- (b) each candidate and a guest of each candidate;
- (c) the election agents;
- (d) the counting agents;
- (e) any person who is entitled to attend by virtue of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (representatives of the Electoral Commission and accredited observers);
- (f) the constables on duty.

(2) The returning officer may permit any other person to attend at the counting of votes but only if the returning officer—

- (a) is satisfied that the person's attendance will not impede the efficient counting of votes, and
- (b) has either consulted the election agents about whether to give permission or decided that it is not practicable to consult them.

(3) The returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information about them, as the returning officer is able to give consistently with the orderly conduct of the proceedings and the discharge of the returning officer's duties.

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

(5) The returning officer must make arrangements to ensure that every person attending at the counting of votes (other than the constables on duty) has been given a notice setting out the provisions of section 66(2) and (6) of the 1983 Act (notification of requirement of secrecy).

(6) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

### **The count: preliminary steps**

**55.**—(1) Before counting the votes, the returning officer must take the following steps.

(2) The returning officer must, in the presence of the counting agents, open each ballot box, take out the ballot papers, count them and record the number of ballot papers.

(3) The returning officer must not count any tendered ballot paper.

(4) The returning officer must then, in the presence of the election agents, verify each ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the returning officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and tendered votes list).

(5) The returning officer must then prepare a statement as to the result of the verification and give a

copy of the statement to any election agent who requests it.

(6) After verifying the ballot paper accounts, the returning officer must—

- (a) count the postal ballot papers that have been properly returned (see paragraph (7)), and
- (b) record the number counted.

(7) A postal ballot paper is to be treated as properly returned if the ballot paper and the accompanying postal voting statement properly completed are—

- (a) handed in at a polling station in the electoral ward before the close of the poll,
- (b) given by hand to the returning officer before the close of the poll, or
- (c) received by the returning officer by post before the close of the poll.

(8) A postal voting statement is properly completed if—

- (a) it is signed by the elector or (as the case may be) the proxy, unless the registration officer has dispensed with the requirement for a signature,
- (b) it states the date of birth of the elector or (as the case may be) the proxy, and
- (c) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations under the 1983 Act, the returning officer has taken those steps and verified the date of birth and (except in a case where the requirement for a signature has been dispensed with) the signature.

(9) Where, at the close of the poll, a person is in the polling station, or in a queue outside the polling station, for the purpose of handing in a postal ballot paper and postal voting statement—

- (a) the person must be permitted to hand the ballot paper and statement in at the polling station, and
- (b) where handed in, they are to be treated as having been handed in before the close of the poll for the purposes of this rule.

(10) The returning officer must not count the votes given on any ballot paper until—

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

(11) While counting and recording the number of ballot papers and counting the votes, the returning

officer must take all proper precautions for preventing any person from identifying the voter who cast the vote.

**The count: general**

**56.**—(1) The result of the poll must be ascertained by counting the votes given to each candidate.

(2) The candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, must be declared to have been elected.

(3) Subject to paragraph (4), the returning officer must, so far as practicable, proceed continuously with the counting of votes, allowing only time for refreshment.

(4) The returning officer may exclude any hours between 10 p.m. and 9 a.m. on the following morning.

(5) During any time that is excluded, the returning officer must—

- (a) place the ballot papers and other documents relating to the election under the returning officer's seal and the seals of any counting agents who wish to affix their seals, and
- (b) otherwise take proper precautions for the security of the ballot papers and other documents.

**The count: rejected ballot papers**

**57.**—(1) Subject to paragraphs (2) and (4), the following ballot papers are void and must not be counted—

- (a) a ballot paper that does not bear the official mark;
- (b) a ballot paper on which votes are given for more candidates than the voter is entitled to vote for;
- (c) a ballot paper on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back;
- (d) a ballot paper that is unmarked or void for uncertainty.

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

(3) Paragraph (4) applies to a ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place,
- (b) otherwise than by means of a cross, or

(c) by more than one mark.

(4) The ballot paper is not, by reason only of how the vote is marked, to be treated as void (either wholly or as respects that vote) if—

- (a) it is clear from the ballot paper that the voter intended to vote for one or other of the candidates,
- (b) the way the ballot paper is marked does not itself identify the voter, and
- (c) the returning officer is satisfied that the voter cannot be identified from the ballot paper.

(5) The returning officer must—

- (a) endorse the word “rejected” on any ballot paper which, in accordance with this rule, is not to be counted;
- (b) endorse the word “rejected in part” on any ballot paper on which a vote is counted in accordance with paragraph (2) and indicate which vote or votes have been counted.

(6) If a counting agent objects to the returning officer’s decision, the returning officer must add the words “rejection objected to” to the endorsement.

(7) The returning officer must prepare a statement showing the number of ballot papers rejected and the number rejected in part.

(8) The statement must set out the number rejected or rejected in part under each of the headings in subparagraphs (a) to (d) of paragraph (1).

### **Re-count**

**58.**—(1) A candidate or the candidate’s election agent may, if present when the count is completed, request that the returning officer re-count the votes.

(2) The returning officer must comply with the request unless the returning officer’s opinion is that the request is unreasonable.

(3) No step may be taken on the completion of the count until the candidates and election agents who are present have been given a reasonable opportunity to request that the votes are re-counted.

(4) Where a re-count takes place, this rule also applies in relation to the re-count (so that, for example, the candidate or the candidate’s election agent may, if present when the re-count is completed, request that the returning officer re-count the votes).

### **Equality of votes**

**59.**—(1) This rule applies where, after the counting of the votes (including any re-count), there is an equality of votes between any candidates and the

addition of a vote would entitle any of those candidates to be elected.

(2) The returning officer must immediately decide between the candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

### **Decision on ballot papers**

**60.** The decision of the returning officer on any question arising in respect of a ballot paper is final, but may be reviewed on an election petition.

### **Declaration of result**

**61.**—(1) When the count has been completed, the returning officer must declare to be elected the candidate or candidates to whom more votes have been given than to other candidates, up to the number of councillors to be elected.

(2) The returning officer must give a notice stating the names of the candidates elected to the proper officer of the council for which the election was held.

(3) The returning officer must also publish notice of—

- (a) the names of the candidates elected,
- (b) the total number of votes given for each candidate (whether elected or not), and
- (c) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers (see rule 57).

## **PART 5**

### **Disposal of Documents**

#### **Sealing up of ballot papers at contested elections**

**62.**—(1) This rule applies on the completion of the counting of votes at a contested election.

(2) The returning officer must seal up in separate packets—

- (a) the counted ballot papers, and
- (b) the rejected ballot papers (including the ballot papers rejected in part).

(3) The returning officer must not open any packets sealed under rule 52(3) that contain—

- (a) tendered ballot papers,
- (b) completed corresponding number lists,
- (c) certificates surrendered by constables or staff of returning officers under rule 38(4) or (5), or

- (d) marked copies of the registration records and list of proxies.

**Delivery of documents to registration officer at contested elections**

**63.**—(1) This rule applies where the returning officer has sealed up the counted and rejected ballot papers under rule 62(2).

(2) The returning officer must forward the following documents to the registration officer of the county or county borough council in whose area the election is held—

- (a) the packets of ballot papers in the returning officer's possession;
- (b) the ballot paper accounts prepared under rule 52(5);
- (c) the statements of rejected ballot papers prepared under rule 57(7);
- (d) the statements as to the result of the verification of the ballot paper accounts prepared under rule 55(5);
- (e) the following lists and declarations—
  - (i) the lists of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads "disability" and "unable to read" (see rule 44);
  - (ii) the declarations made by the companions of voters with disabilities (see rule 45);
  - (iii) the lists of voters with disabilities assisted by companions (see rule 46);
  - (iv) the tendered votes lists (see rule 48);
  - (v) the lists maintained under rule 50 (correction of errors on the day of the poll);
- (f) the packets containing completed corresponding number lists;
- (g) the packets containing certificates surrendered by constables or staff of returning officers under rule 38(4) or (5);
- (h) the packets containing copies of registration records and lists of proxies;
- (i) the packets containing the postal voters list and the proxy postal voters list.

**Production etc of documents**

**64.**—(1) This rule applies in relation to the following documents when in the custody of the registration officer (having been forwarded under rule 63)—

- (a) rejected and counted ballot papers;

- (b) sealed packets containing completed corresponding number lists;
- (c) sealed packets containing certificates surrendered by constables or staff of returning officers under rule 38(4) or (5).

(2) A county court may make any of the following orders, if satisfied by evidence on oath that the order is required either for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an election petition—

- (a) an order for the inspection or production of any of the rejected ballot papers (including any ballot papers rejected in part);
- (b) an order for the inspection of any of the counted ballot papers;
- (c) an order for the opening of any of the sealed packets containing—
  - (i) completed corresponding number lists, or
  - (ii) certificates surrendered by constables or staff of returning officers under rule 38(4) or (5);
- (d) where an order for the opening of any of the sealed packets is made under sub-paragraph (c), an order for the inspection or production of the whole or part of its contents.

(3) An election court may make—

- (a) an order for the inspection of any of the counted ballot papers;
- (b) an order for the opening of any of the sealed packets containing—
  - (i) completed corresponding number lists, or
  - (ii) certificates surrendered by constables or staff of returning officers under rule 38(4) or (5);
- (c) where an order for the opening of any of the sealed packets is made under sub-paragraph (b), an order for the inspection or production of the whole or part of its contents.

(4) An order under this rule may be made subject to such of the following conditions as the court thinks appropriate—

- (a) conditions as to persons;
- (b) conditions as to time;
- (c) conditions as to the place and method of inspection;
- (d) conditions as to production or opening.

(5) A court, in making an order under this rule for the inspection of counted ballot papers or for the opening of a sealed packet, must impose such conditions under paragraph (4) as the court considers

appropriate to ensure that the way in which an elector has given their vote is not disclosed unless and until it has been proved—

- (a) that the elector has given their vote, and
- (b) that the vote has been declared by a competent court to be invalid.

(6) Any person giving effect to an order under this rule for the inspection of counted ballot papers or for the opening of a sealed packet must take care to ensure that the way in which an elector has given their vote is not disclosed unless and until it has been proved—

- (a) that the elector has given their vote, and
- (b) that the vote has been declared by a competent court to be invalid.

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

(8) The powers of a county court under this rule may be exercised by any judge of the court otherwise than in open court.

(9) Except as provided by this rule, no person may—

- (a) inspect any of the rejected or counted ballot papers;
- (b) open any of the sealed packets containing—
  - (i) completed corresponding number lists, or
  - (ii) certificates surrendered by constables or staff of returning officers under rule 38(4) or (5).

#### **Orders for the production etc of documents: supplemental provision**

**65.**—(1) Paragraphs (2) and (3) apply where an order is made under rule 64 for the production by a registration officer of a document in the registration officer's custody relating to an election specified in the order.

(2) The production by the registration officer or the registration officer's agent of the document in the manner directed by the order is conclusive evidence that the document relates to the specified election.

(3) If a packet of ballot papers with an endorsement on the packet is produced by the registration officer or the registration officer's agent to comply with the order, the endorsement is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(4) Paragraph (5) applies where, to comply with an order under rule 64, a registration officer or a registration officer's agent has produced—

- (a) a ballot paper purporting to have been used at an election, and

- (b) a completed corresponding number list in use at the election, with a number marked in writing beside the number of that ballot paper on the list.

(5) The production of the ballot paper and the list are prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry at the time of the election in the register of electors, or on a notice issued under section 13B(3B) or (3D) of the 1983 Act, contained the same number as the number written on the ballot paper.

#### **Retention and destruction of documents forwarded to registration officer**

**66.**—(1) The registration officer must retain all documents forwarded under rule 63 for a period of one year beginning with the day on which they were received by the registration officer.

(2) At the end of that period of one year, the registration officer must cause the documents to be destroyed unless otherwise directed by an order of a county court, a Crown Court, a magistrates' court or an election court.

#### **Destruction of nomination papers etc by returning officer**

**67.**—(1) The returning officer must destroy each candidate's nomination paper and home address form—

- (a) on the next day following the 35<sup>th</sup> day after the returning officer has returned the names of the councillors elected, unless an election petition questioning the election or the return of candidates is presented before that day;
- (b) if an election petition questioning the election or return of councillors is presented before that day, as soon as practicable following the conclusion of proceedings on the petition (including, where there is an appeal, the proceedings on the appeal).

(2) For the purpose of deciding the day on which candidates' nomination papers and home address forms must be destroyed, any day that is an excluded day must be disregarded.

## PART 6

### Death of Candidate

#### **Countermand or abandonment of poll on death of a candidate**

**68.**—(1) This rule applies where, at a contested election, the returning officer is satisfied before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot papers has died.

(2) The returning officer must countermand notice of the poll or, if polling has begun, the returning officer must direct that the poll be abandoned and no further ballot papers may be issued.

(3) Where the poll is abandoned, the presiding officer at any polling station in use at the election must take the steps (so far as not already taken) that the presiding officer would be required to take under rule 52 on the close of the poll, except that it is not necessary for the presiding officer to prepare a ballot paper account.

(4) The returning officer must deal with ballot papers and other documents that are in the returning officer's possession when the poll is abandoned, or that are subsequently delivered to the returning officer to comply with paragraph (3), in the same way that the returning officer would be required to deal with ballot papers and other documents under rules 62 and 63 on the completion of the counting of votes, except that—

- (a) the returning officer must seal up all the ballot papers (whether the votes on them have been counted or not), and
- (b) it is not necessary to seal up counted and rejected ballot papers in separate packets.

(5) The provisions of rules 64 to 66 apply to ballot papers and other documents relating to a poll that is abandoned by reason of a candidate's death, except that—

- (a) ballot papers on which the votes were neither counted nor rejected are to be treated as counted ballot papers, and
- (b) an order may be made under rule 64(2) or (3) only for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(6) For what happens after notice of a poll is countermanded or a poll is abandoned, see section 39 of the 1983 Act.

## APPENDICES

**Appendix 1  
Rule 5(1)**

<b>Form of nomination paper</b>	
<b>Section 1: Details of election</b>	
Election of councillors to the [insert name of the county or county borough council]	
Electoral ward:	
Date of election (see note 1):	
<b>Section 2: Candidate's names</b>	
Candidate's surnames:	
Candidate's forenames:	
Candidate's commonly used surnames (see note 2 below):	
Candidate's commonly used forenames (see note 2 below):	
<b>Section 3: Description (if any)</b> (see note 3 below)	
<b>Section 4: Candidate's statement of party membership</b> (see note 4 below)	
Have you been a member of any registered political party at any time during the period of 12 months ending with the day on which you deliver this nomination paper? <span style="float: right;">Yes/No</span>	
If you have answered "Yes", complete the table below in relation to each registered political party of which you have been a member at any time during that period. Add further rows if necessary. You must complete the table even if the registered political party has ceased to exist.	
It is not necessary to complete the table if you have included a permitted party description in section 3 of this form and you have not been a member of any registered political party during the 12 months period other than the party or parties to which the description relates.	
<b>Registered name or names of each registered political party</b>	<b>The times during the 12 months period when you were a member</b>


**Section 5: Declarations** (see note 5)

Complete and sign the following declarations.

I declare that I am qualified on the day on which I complete this nomination paper, and that I will be qualified on the day of election, to be elected as councillor for the [insert name] electoral ward on the basis that I am on the day on which I complete this nomination paper, and will be on the day of election, a qualifying Commonwealth citizen, a citizen of the Republic of Ireland, a relevant citizen of the Union or a qualifying foreign citizen who has attained the age of 18 years and that\*—

(a) I am registered as a local government elector for the area of [insert the name of the county or county borough] on the day on which I complete this nomination paper and will continue to be on the day of election;

(b) I have occupied as owner or tenant land or other premises in the area of [insert the name of the county or county borough] during the whole of the period of 12 months preceding the day on which I complete this nomination paper and I will have occupied as owner or tenant land or other premises in that area during the whole of the period of 12 months preceding the day of election;

(c) my principal or only place of work during the period of 12 months preceding the day on which I complete this nomination paper has been in the area of [insert the name of the county or county borough] and my principal or only place of work during the 12 months preceding the day of election will have been in that area;

(d) I have resided in the area of [insert the name of the county or county borough] during the whole of the period of 12 months preceding the day on which I complete this nomination paper and I will have resided in that area during the whole of the period of 12 months preceding the day of election.

\*Candidates should indicate which one or more of paragraphs (a) to (d) apply to them by ticking those that apply and putting a line through those that do not

apply.

I also declare that to the best of my knowledge and belief I am not disqualified from being elected as councillor for the [insert name] electoral ward by reason of any disqualification set out in section 80 of the Local Government Act 1972 or any decision made under section 79 of the Local Government Act 2000 and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

Candidate's signature to declarations:

Date of signature:

**Section 6: Candidate's signature to nomination paper and attestation by witness** (see note 6)

Declaration by witness

The witness must complete and sign the following declaration before attesting the candidate's signature.

I [insert name of witness] declare that I am an elector.

Signature of witness:

Date of signature:

Candidate's signature and attestation by witness

Candidate's signature:

Date of signature:

Signed in the presence of a witness:

Signature of witness:

**Notes to the form of nomination paper**

Note 1: The date to be given here is the date on which the poll is to take place.

Note 2: If a candidate commonly uses forenames or surnames that are different in any respect from the forenames or surnames that are given in the first part of section 2, the candidate's commonly used forenames or surnames may be given in the appropriate place in the second part of section 2 if the candidate so wishes. This includes (but is not limited to) cases where the difference is that the commonly used forenames or surnames are in a different order,

include only some of the names or include additional names. Where commonly used forenames or surnames are given, those names will generally appear in the statement of persons nominated and on the ballot paper (instead of any other names). There are circumstances in which the returning officer may refuse to use the commonly used names and these are set out in rule 15 of Schedule 1 to the Local Elections (Principal Areas) (Wales) Rules 2021.

Note 3: The only descriptions that may be given are (a) a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under rule 6 of Schedule 1 to the Local Elections (Principal Areas) (Wales) Rules 2021 (“a permitted party description”), or (b) the word “Independent”.

In certain circumstances, a candidate using a permitted party description may add the word “Wales”, “Welsh”, “Cymru” or “Cymreig” to the description. Those circumstances are set out in rule 7 of Schedule 1 to the Local Elections (Principal Areas) (Wales) Rules 2021.

Note 4: The requirements for statements of party membership are set out in rule 8 of Schedule 1 to the Local Elections (Principal Areas) (Wales) Rules 2021.

Note 5: The first declaration reflects the requirements set out in section 79 of the Local Government Act 1972. That section defines “qualifying Commonwealth citizen”, “relevant citizen of the Union” and “qualifying foreign citizen”.

Note 6: Under rule 5(5) of Schedule 1 to the Local Elections (Principal Areas) (Wales) Rules 2021 the nomination paper must be signed by the candidate in the presence of an elector who must attest the signature. “Elector” is defined in rule 5(7) as a person who is registered in the register of local government electors for the electoral ward in question on the last day for publication of the notice of election. However, it includes a person then shown in the register as below voting age only if it appears from the register that they will be of voting age on the day fixed for the poll and it does not include a person who has an anonymous entry.

**Appendix 2**  
**Rule 23(3)**

<b>Form of front of ballot paper</b>
<b>Election of councillors to [insert the name of the</b>

**county or county borough council]**

Vote for **only one candidate** by putting a cross [x] in the box next to your choice.

OR

Vote for **no more than [insert number of candidates to be elected] candidates** by putting a cross [x] in the box next to each of your choices.\*

\*The returning officer must select the wording that is appropriate for the election.

**JAMES, Lisa**

6, Y Stryd, Y Dre CY36 4EZ

**Promotion of Ethics in Local Government Party**

**THOMAS, Gareth**

Iceland

**Electoral Law Improvement Party**

**THOMAS RICHARDS, Angharad**

The County of Hafod

**Good Law Party**

**WYATT, Cath**

The County of Cornwall

**Efficiency Party**

**Form of back of ballot paper**

Number:

Other unique identifying mark:

Election for the [insert name] electoral ward of the [insert name of the county or county borough council] on [insert date of poll]

**Form of Directions as to Printing the Ballot Paper**

1. Nothing may be printed on the ballot paper except in accordance with these directions.

2. So far as practicable, the directions set out in paragraphs 3 to 13 must be followed in the printing of the ballot paper.

3. No word may be printed on the front of the ballot paper except:

(a) the heading "Election of councillors to [insert the name of the county or county borough council]";

(b) the direction "Vote for only one candidate by putting a cross [x] in the box next to your choice" or, where more than one candidate is to be elected, "Vote for no more

than [insert the number of candidates to be elected] by putting a cross [x] in the box next to each of your choices”;

(c) the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated;

(d) words forming part of any emblem to be included against the candidate’s particulars.

4. A box must be printed around the heading referred to in paragraph 3(a) and the direction referred to in paragraph 3(b), and the heading and direction must be separated within the box by a horizontal line extending across it.

5. No line may be printed on the front of the ballot paper except:

(a) as part of the box referred to in paragraph 4;

(b) the horizontal line referred to in that paragraph;

(c) a horizontal line above the particulars of the first candidate;

(d) horizontal lines separating the particulars of each candidate from the particulars of the other candidates;

(e) a horizontal line below the particulars of the last candidate; and

(f) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.

6. The horizontal lines referred to in paragraph 5(c), (d) and (e) must be equally spaced and the space between each of them must be a minimum of 2.5 centimetres.

7. The boxes referred to in paragraph 5(f) must not touch any horizontal line and each one must be equidistant between the horizontal line above it and the horizontal line below it.

8. Each of the horizontal lines referred to in paragraph 5(c) and (d) must extend from a point level with the text on the left-hand side of the page to a point directly above the centre of the box below that line.

9. The horizontal line referred to in paragraph 5(e) must:

(a) extend from a point level with the text on the left-hand side of the page to a point directly below the right-hand edge of the box above that line; and

(b) be thicker than the other horizontal lines.

10. Where a registered emblem is to be printed against a candidate’s particulars:

(a) it must be printed adjacent to and to the right of the candidate’s particulars; and

(b) its size as printed must not exceed 2 centimetres square.

11. All the words on the front of the ballot paper must appear in the same large type except that:

(a) the heading referred to in paragraph 3(a) must appear

in very large and bold type;  
 (b) in the direction referred to in paragraph 3(b), the words “only one candidate” or, as the case may be, “no more than [insert the number of candidates to be elected] candidates” must appear in very large and bold type;  
 (c) the remainder of that direction must appear in very large type; and  
 (d) the names of the candidates and the descriptions (if any) must appear in bold type.

12. The surnames of each candidate must appear in capitals and the candidate’s other names and any description must be in lower case with initial capitals.

13. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.

**Appendix 3  
 Rule 24**

**Corresponding Number List**

Corresponding Number List: Part 1  
 (to be completed in respect of ballot papers to be issued to postal voters)

Electoral ward:  
 Date of poll:  
 Sheet no:

<b>Ballot Paper Number</b>	<b>Unique Identifying Mark</b>

Corresponding Number List: Part 2  
 (to be completed in respect of ballot papers to be provided at polling stations)

Electoral ward:  
 Date of poll:  
 Polling station:  
 Sheet no:

<b>Ballot Paper Number</b>	<b>Electoral Number</b>


**Appendix 4  
Rule 29(1)**

**Form of Postal Voting Statement**

Voter's name:  
Ballot paper No:  
(The returning officer must omit the name where the ballot papers are sent or delivered to an elector with anonymous entry in the register.)

Please read the instructions at the end before completing this form and the ballot paper.

**I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT OR DELIVERED TO.**

Voter's date of birth (in the format dd/mm/yyyy):

\*Signature:

(Keep signature within border)

\* The returning officer must omit the requirement for a signature where the person has been granted a waiver.

**Warning: Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper. It is illegal to vote more than once (unless you are appointed as proxy for another elector) at the same election.**

**Instructions on marking the ballot paper and completing the postal voting statement**

1. Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates. (The returning officer must select the wording that is appropriate for the election.)
2. Mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name of the candidate(s) you are voting for. Do not mark your ballot paper in any other way or your vote(s) may not be counted.
3. If you need help voting, the person helping you must not tell anyone how you voted.

4. Put the ballot paper in the small envelope marked **A** and seal it.

5. Complete the postal voting statement by signing it and providing your date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you sign the statement.\*

\*Where the requirement for a signature has been waived, the returning officer must change this instruction so that it reads:

5. Complete the postal voting statement by providing your date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you complete the postal voting statement.

6. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. It is preferable to return it straightaway.

**7. After receiving the postal vote, you cannot vote in person at a polling station at this election.**

8. If you accidentally spoil your ballot paper, you can apply to the returning officer for a replacement before 5 pm on [insert the date of the poll]. You must return the spoiled ballot paper, the postal voting statement and the envelopes marked A and B. Make sure you contact the Returning Officer as soon as possible. [Returning officer to provide contact details for assistance]

9. Your ballot paper and the postal voting statement must be—

(a) sent by post to the returning officer in sufficient time for it to be received by the returning officer before 10 pm on [insert the date of the poll];

(b) given by hand to the returning officer before 10 pm on [insert the date of the poll]; or

(c) handed in on [insert date of the poll] at any polling station in the electoral ward before 10 pm.

## Appendix 5

### Rule 32(4)

#### Poll Cards

#### Official Poll Card (to be sent or delivered to an elector voting in person)

Front of card

#### Official Poll Card

Council:	Number on register:
Electoral ward:	*Name:
Polling Day:	*Address:

<p>Polling Hours: 7 am to 10 pm Your polling station will be:</p>	<p>*Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.</p>
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**\*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk there.**

See further information on the back of this card.

Back of card

Local Government Election

\*When you go to the polling station, tell the clerk your name and address, as shown on the front of this card.

\*The clerk will confirm your details on the register.

When you are given your ballot paper, go to one of the polling booths. Mark a cross (x) in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.

**Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.** (The returning officer must select the wording that is appropriate for the election.)

**Do not put any other mark on the back of the ballot paper or your vote may not be counted.**

If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.

When you have marked the ballot paper, fold it in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll, there are other ways of voting.

(1) You can apply to vote by post. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a postal vote, you will not be entitled to vote in person at this election.

(2) You can apply to vote by proxy (this means someone can vote on your behalf). Your application must normally be received before 5pm on [insert the deadline date]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you.

In certain circumstances it may be possible to apply to

vote by proxy after [insert the deadline date].

If you want to vote by post or proxy, please contact [insert helpline number] as soon as possible.

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**You must have this card with you when you vote. You cannot vote without it.**

**When you go to the polling station, ask to speak to the presiding officer and show them this card.**

**The presiding officer will confirm your entry on the register.**

**Official Postal Poll Card (to be sent or delivered to an elector voting by post)**

**Front of card**

**Official Postal Poll Card**

Council:  
Electoral ward:  
For the election on: [insert date of poll]  
Number on register:  
\*Name and address:  
\*Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.

This card is to tell you that you have asked to vote by post for this election, and you will not be able to vote in person in a polling station. If you want to cancel your postal vote please call the helpline number [insert helpline number] before 5 pm on [insert deadline date].

**We will send or deliver your postal voting papers around [ ], addressed to [insert name and address]. If your postal voting papers have not arrived by [insert date], call [insert helpline number] and ask for help.**

If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5pm on [insert date of poll.]

**This card is to provide you with information about voting by post.**

See further information on the back of this card.

Back of card

Local Government Election

When you receive your postal voting pack, please read the instructions with it carefully when completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the returning officer by calling the helpline on [insert helpline number].

You must **sign** the postal voting statement and **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your signature and date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your signature and date of birth against other records that they hold.\*

\*Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead.

You must **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].

It is preferable to complete and return your postal vote as soon as possible. The returning officer must receive your postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll].

You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the electoral ward before 10 pm.

If you want to vote in person at the elections, you must cancel your postal vote before 5 pm on [insert deadline].

If you need any assistance, please call the helpline on [ ].

**It is an offence to vote using a ballot paper that was not addressed to you.**

Issued by the returning officer

**Official Proxy Poll Card (to be sent or delivered to a proxy voting in person)**

Front of card

<b>Official Proxy Poll Card</b>	
Council: Electoral ward: Polling Day: Polling Hours: 7 am to 10 pm Your polling station will be:	*This poll card is to tell you that for this election the elector named on the back of this card has appointed you as their proxy. *Proxy's name: *Proxy's address: *Note: This section is to be omitted where the poll card is sent or delivered to the proxy of an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.

**\*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk there.**

See further information on the back of this card.

Back of card

Local Government Election

\*This poll card is to tell you that for this election you are appointed as proxy for:  
\*[Insert elector's name]  
\*[Insert elector's address]  
\*[Insert elector's number on register]

\*When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the elector shown above.  
\*The clerk will confirm the details on the register.

When you are given the ballot paper, go to one of the polling booths. Mark a cross (x) in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) the elector is voting for.

**Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.** (The returning officer must select the wording that is appropriate for the election.)

**Do not put any other mark on the back of the ballot**

**paper or the vote may not be counted.**

If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.

When you have marked the ballot paper, fold it in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

The person who appointed you as proxy may vote at this election. If they wish to do so, they must vote in person before you vote on their behalf.

If you will be away on the date of the poll, you can apply to vote by post as proxy. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a proxy postal vote, neither you (on the elector's behalf) nor the elector will be entitled to vote in person at this election.

**It is illegal to do any of the following—**

Vote more than once (unless you are appointed as proxy for another elector) at the same election.

Vote as proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Vote as proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on [ ].

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**You must have this card with you when you vote. You cannot vote as proxy without it.**

You are entitled to vote as proxy for the elector whose electoral number is shown below.

(Elector's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card. The clerk will confirm the details on the register.

**Official Proxy Postal Poll Card (to be sent or delivered to a proxy voting by post)**

**Front of card**

**Official Proxy Postal Poll Card**

Council:  
Electoral ward:  
For the election on:  
[insert date of poll]:  
Proxy's name and  
address:

This poll card is to tell you that for this election the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. **You will not be able to vote on behalf of the elector in a polling station.** If you want to cancel this postal vote and vote in person on polling day, please call the helpline shown below before 5pm on [insert date of deadline]. **We will send or deliver the proxy postal voting papers around [insert date ].** **If the proxy postal voting papers have not arrived by [insert date], please call [insert helpline number] and ask for help.**

If you lose or accidentally spoil the elector's postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 pm on [insert date of the poll].

**This card is to provide you with information about voting by post as proxy.**

See further information on the back of this card.

Back of card

Local Government Election

**\*This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post:**

\*[Insert elector's name]

\*[Insert elector's address]

When you receive your postal voting pack, please read the instructions with it carefully when completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the returning officer by calling the helpline on [insert helpline number].

You must **sign** the postal voting statement and **provide your date of birth**. This is a security measure. It will not

affect your vote or mean that the way in which you gave your vote is known. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The returning officer can cross-check your signature and date of birth against other records that they hold.\*

\*Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead.

You must **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].

It is preferable to complete and return the postal vote as soon as possible. The returning officer must receive the postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll].

You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the electoral ward before 10 pm.

If you want to vote in person as proxy at the election, you must cancel your postal vote before 5 pm on [insert deadline].

**It is illegal to do any of the following—**

Vote more than once (unless you are appointed as proxy for another elector) at the same election

Vote as proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild

Vote as proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on [ ].  
Issued by the returning officer

Alternative text where the elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry, substitute for the paragraphs above marked with an asterisk the following paragraphs:

**This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote by post.**

You are entitled to vote as proxy for the elector whose electoral number is shown below:

(Insert elector's number on register)

## **Appendix 6**

### **Rule 33(10)**

#### **Guidance for Voters**

1. When you are given your ballot paper, go to one of the polling booths.
2. Mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.
3. Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.\*
4. Put no other mark on the ballot paper or your vote(s) may not be counted.
5. Fold the ballot paper in two.
6. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see your vote.
7. Put the ballot paper in the ballot box and leave the polling station.
8. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

\* The returning officer must choose whichever direction is appropriate for the election.

## **Appendix 7**

### **Rule 38(4), (5)**

#### **Form of certificate as to duties**

Election in the [insert name] electoral ward of [insert name of the county or county borough in respect of which the election is held]

I certify that [insert name] whose number in the register of electors for the electoral ward named above is [insert number in the register] cannot reasonably be expected to go in person to the polling station allotted to them at the election on [insert date of the poll] because of the circumstances of their duties on that day for a purpose connected with the election.

Appropriate signature:

Date:

The appropriate signature is the signature of the returning officer where the person named is a member of the returning officer's staff and the signature of a police officer of the rank of Inspector or above where the person named is a constable, community support officer or community support volunteer.

*Note:* The person named is entitled to vote at any polling station in the electoral ward on production and surrender of the certificate to the presiding officer.

## **Appendix 8**

### **Rule 45(7)**

#### **Form of declaration to be made by the companion of a voter with disabilities**

I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted], whose number on the register is [insert number of voter being assisted], to give their vote at the election now being held in this electoral ward, hereby declare that\*—

I am entitled to vote as an elector at the election (see note 1), OR

I am the [insert relationship of the companion to the voter] of the voter and have attained the age of 16 (see note 1)

I have not previously assisted any voter with disabilities to vote except [insert the name and address of any other voter who has been assisted by the companion to vote at the election] (see note 2).

Signed by companion:

Date:

\*If the companion is asked to assist a voter with disabilities voting as proxy the opening words of the declaration must instead be "I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted] who is voting as proxy for [insert name of elector], whose number on the register is [insert number of elector], to give their vote at the election now being held in this electoral ward hereby declare that—".

I, the undersigned, being the presiding officer for [insert name of polling station] for the [insert name] electoral ward of [insert name of the county or county borough] hereby certify that the above declaration was read to the companion and was signed by the companion in my presence.

Signed by presiding officer:

Date:

Time:

**Notes to the form of declaration to be made by the companion of a voter with disabilities**

1. The companion is eligible to assist the voter if the companion is either (a) entitled to vote as an elector at the election, or (b) is a relative of the voter and has attained the age of 16 (see rule 45(5)). A person is a “relative” of the voter if they are the grandparent, parent, brother, sister, spouse, civil partner, child or grandchild of the voter.
2. The companion may have assisted one (and only one) other person to vote at the election.
3. A voter with disabilities is a voter who has made a declaration under rule 45(2) that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.
4. *A person who, in making the declaration set out in this form, knowingly and wilfully makes a statement that is false in a material particular is guilty of an offence.*

**SCHEDULE 2**      Rule 4(3)

**Rules for Conduct of an Election of Councillors for a Principal Area where Poll is Taken Together with Poll at Another Election**

**PART 1**

**Provisions as to Time**

**Timetable**

1.—(1) The proceedings at the election must be conducted in accordance with the following timetable.

**Timetable**

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than 4 p.m. on the nineteenth day before the day of election
Delivery of notices of withdrawals of candidature	Not later than 4 p.m. on the nineteenth day before the day of

	election
Publication of statement as to persons nominated	Not later than 4 p.m. on the eighteenth day before the day of election
Notice of uncontested election Notice of poll in contested election	Not later than the sixth day before the day of election
Polling	Between the hours of 7 a.m. and 10 p.m. on the day of election

(2) In this rule, “the day of election” means the day specified in the notice of election as the day on which a poll would take place in the event of a contest.

#### **Computation of time**

2.—(1) An excluded day is to be disregarded in calculating any period set out in the second column of the timetable in rule 1.

(2) No proceedings under these rules up to the close of the poll may take place on an excluded day.

(3) The returning officer is not required to proceed with the counting of votes on an excluded day.

## **PART 2**

### **Notice of Election, Nomination and Method of Election**

#### **Notice of Election**

#### **Notice of election**

3.—(1) The returning officer must publish notice of the election.

(2) The notice must state—

- (a) the number of councillors to be returned for each electoral ward in the principal area,
- (b) the date of the poll in the event of a contest,
- (c) the place where, and the times at which, forms of nomination paper may be obtained, and
- (d) the place where, and the times at which, nomination papers may be delivered.

(3) The notice must also state the date by which applications to vote by post or by proxy, and other

applications and notices about postal or proxy voting, must reach the registration officer in order to be effective for the election.

(4) The place specified in the notice as the place where forms of nomination paper may be obtained, and where they may be delivered, must be at the offices of the council for the principal area.

(5) *[The returning officer may also include in the notice either or both of the following statements—*

- (a) *a statement that forms of nomination paper may be obtained online, with information about how and when that may be done;*
- (b) *a statement that nomination papers may be delivered by being submitted online, with information about how and when that may be done.]*

#### Nomination

#### **Duty of returning officer to supply forms of nomination etc**

4.—(1) At the place and times for obtaining forms of nomination paper set out in the notice of election, the returning officer must—

- (a) supply any person with as many forms of nomination paper as the person may require, and
- (b) on request, prepare a nomination paper for signature.

(2) *[If the notice of election states that forms of nomination paper may be obtained online, the returning officer must make arrangements for this in accordance with the information given in the notice.*

(3) It is not, however, necessary for a nomination to be made on a form supplied by the returning officer *or obtained online.]*

#### **Nomination of candidates**

5.—(1) A candidate must nominate themselves using a nomination paper in the form in Appendix 1 or a form to the like effect.

(2) The nomination paper must be delivered to the place specified by the returning officer in the notice of election *[or, if the notice of election states that nomination papers may be delivered by being submitted online, by submission online in accordance with the information given in the notice.]*

(3) The nomination paper must—

- (a) state the candidate's full names, with the surnames placed first,
- (b) if the candidate wishes, include a description that complies with rule 6,

(c) include a statement of party membership that complies with rule 8, and

(d) include the declarations by the candidate set out in the form in Appendix 1.

(4) If a candidate commonly uses forenames or surnames that are different in any respect from the forenames or surnames stated in accordance with paragraph (3)(a) (including where the difference is that the commonly used forenames or surnames are in a different order, include only some of the names or include additional names), the nomination paper may also state the commonly used forenames or surnames.

(5) The nomination paper must be signed by the candidate in the presence of a witness who must attest the signature.

(6) The witness must be an elector and must complete a declaration set out in the form in Appendix 1.

(7) The nomination paper—

(a) must be accompanied by a form (a “home address form”) that complies with rule 9, and

(b) if the candidate wishes, may be accompanied by a personal statement by the candidate that complies with rule 10.

(8) In this rule, “elector” means a person who is registered in the register of local government electors for the electoral ward in question on the last day for publication of the notice of election, except that—

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

(b) it does not include a person who has an anonymous entry in the register.

### **Nomination papers: descriptions**

**6.—**(1) This rule sets out requirements about the descriptions that may be included in a nomination paper as mentioned in rule 5(3)(b).

(2) The description may be either—

(a) a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under paragraph (3) or (as the case may be) paragraph (4), or

(b) the word “Independent”.

(3) A description that is likely to lead electors to associate the candidate with a registered political party is permitted where—

(a) the party is a qualifying party,

- (b) the description is either—
  - (i) the party’s registered name or, if the party has registered a name in English and a name in Welsh, either or both of those names, or
  - (ii) a registered description of the party or, in the case of a description that has been registered in both English and Welsh, either or both of those descriptions, and
- (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of the party and received by the returning officer before the last time for the delivery of nomination papers.

(4) A description that is likely to lead electors to associate the candidate with two or more registered political parties is permitted where—

- (a) the parties are each qualifying parties,
- (b) the description consists of the registered name of each of the parties shown in either or both of the versions described in paragraph (5), and
- (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of each of the parties and received by the returning officer before the last time for the delivery of nomination papers.

(5) The versions referred to in paragraph (4)(b) are—

- (a) a version showing (in any order) the parties’ registered names, together with the addition of any appropriate conjunctions and punctuation in English (“the English version”);
- (b) a version showing (in any order) the parties’ registered names, together with the addition of any appropriate conjunctions and punctuation in Welsh (“the Welsh version”).

(6) Where any of the parties has registered a name in English and a name in Welsh—

- (a) the party’s registered name in English (and not the party’s registered name in Welsh) may be used in the English version, and
- (b) the party’s registered name in Welsh (and not the party’s registered name in English) may be used in the Welsh version.

(7) See also rule 7 (which sets out when and how the word “Wales”, “Welsh”, “Cymru” or “Cymreig” may be added to descriptions permitted under paragraph (3) or (4)).

(8) A person is guilty of a corrupt practice if that person fraudulently purports to be authorised to issue a

certificate under paragraph (3)(c) or (4)(c) on behalf of a registered political party's nominating officer.

(9) In this rule—

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

(10) For the purposes of the application of this rule in relation to an election—

- (a) “registered political party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day that is two days before the last day for the delivery of nomination papers at the election (disregarding any excluded day);
- (b) a registered political party is a qualifying party if, on that day, the party is registered in respect of Wales in the Great Britain register maintained under Part 2 of that Act.

#### **Addition of “Wales”, “Welsh”, “Cymru” or “Cymreig”**

7.—(1) This rule sets out when and how a candidate may make additions in a nomination paper to a description that the candidate is permitted to use under rule 6(3) or (4).

(2) Paragraph (3) applies where—

- (a) a registered name is or forms part of a description that a candidate is permitted to use under rule 6(3), and
- (b) the registered name includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.

(3) The candidate may do one of the following—

- (a) add the word “Wales” before the name;
- (b) add the word “Welsh” before the name;
- (c) add the word “Cymru” after the name;
- (d) add the word “Cymreig” after the name.

(4) Paragraph (5) applies where—

- (a) a registered name forms part of a description that a candidate is permitted to use under rule 6(4), and
- (b) the registered name includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.

(5) If the registered name is in the English version of the description (whether or not it is also in the Welsh version), the candidate may add either the word “Wales” or the word “Welsh” before the name in that version.

(6) If the registered name is in the Welsh version of the description (whether or not it is also in the English version), the candidate may add either the word “Cymru” or the word “Cymreig” after the name in that version.

(7) Paragraph (8) applies where—

- (a) a registered description is or forms part of a description that a candidate is permitted to use under rule 6(3), and
- (b) the registered description includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.

(8) The candidate may do one of the following—

- (a) add the word “Wales” at the beginning of the description;
- (b) add the word “Welsh” at the beginning of the description;
- (c) add the word “Cymru” at the end of the description;
- (d) add the word “Cymreig” at the end of the description.

(9) For the purposes of paragraphs (3)(a) and (b) and (5), where the word “the” (or any word in another language that has the same function as the word “the”) appears at the beginning of a registered name, it must be ignored.

(10) Where a candidate adds anything to a description in a nomination paper in accordance with this rule, references in the following provisions of this Schedule to the description are references to the description with the addition.

### **Nomination papers: statements of party membership**

**8.**—(1) This rule sets out the requirements for statements of party membership that must be included in nomination papers as mentioned in rule 5(3)(c).

(2) The statement must state whether the candidate has been a member of any registered political party at any time during the relevant period.

(3) If the candidate has been a member of one or more registered political parties at any time during the relevant period, the statement must also include the following information in relation to the party or (as the case may be) each of the parties of which the candidate has been a member—

- (a) the party’s registered name or, where the party has two registered names, the party’s registered names, and
- (b) the times during the relevant period when the candidate has been a member of the party.

(4) Paragraph (3) does not apply where—

- (a) the nomination paper includes a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under rule 6(3) or (as the case may be) rule 6(4), and
- (b) the candidate has not at any time during the relevant period been a member of a registered political party other than the party or parties to which that description relates.

(5) A candidate who knowingly fails to include in the nomination paper a statement of party membership that complies with the requirements of this rule is guilty of a corrupt practice.

(6) In this rule—

- (a) “registered political party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 at any time during the relevant period when the candidate is a member;
- (b) references to a registered name of a registered political party are to a name of the party registered under section 28 of that Act;
- (c) “the relevant period” means the period of 12 months ending with the day on which the candidate’s nomination paper is delivered.

**Home address forms**

**9.**—(1) This rule sets out the requirements for home address forms that must accompany nomination papers under rule 5(7)(a).

(2) A home address form must state—

- (a) the candidate’s full names,
- (b) the candidate’s home address in full,
- (c) the candidate’s qualifying address or addresses, and
- (d) the qualification to which each qualifying address relates.

(3) The candidate’s qualifying address or addresses, and the qualification to which each qualifying address relates, depend on which one or more of options (a) to (d) on the nomination paper have been selected by the candidate, as set out in the following table.

<i>Option selected</i>	<i>Candidate’s</i>	<i>Qualification</i>
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<i>on nomination paper</i>	<i>qualifying address</i>	<i>to which candidate's qualifying address relates</i>
Option (a)	The address in full in respect of which the candidate is registered as a local government elector	The qualification described in option (a) (registration as a local government elector for the county or county borough)
Option (b)	A description and the address of the land or premises that the candidate has occupied as owner or tenant (or, if the candidate is relying on more than one occupation to meet the qualification, the descriptions and addresses)	The qualification described in option (b) (occupation as owner or tenant of land or other premises in the area of the county or county borough)
Option (c)	The address of the candidate's place of work (or, if the candidate is relying on more than one place of work to meet the qualification, the addresses)	The qualification described in option (c) (principal or only place of work in the area of the county or county borough)
Option (d)	The address or addresses in full where the candidate has resided	The qualification described in option (d) (residence in the area of the county or county borough)

(4) If the candidate's nomination paper includes commonly used forenames or surnames, the home address form must also state the commonly used names.

(5) The home address form must also state—

- (a) the full names of the person who witnesses the candidate's signature on the nomination paper, and
- (b) that person's home address in full.

(6) The home address form may contain a statement made and signed by the candidate that the candidate's home address must not be made public.

(7) If the home address form contains such a statement, it must—

- (a) where the candidate's home address is in the United Kingdom, state the name of the relevant area (see paragraph (8));
- (b) where the candidate's home address is outside the United Kingdom, state the country in which it is situated.

(8) In this rule, "relevant area" means—

- (a) where the candidate's home address is in Wales—
  - (i) if the address is within a county, that county;
  - (ii) if the address is within a county borough, that county borough;
- (b) where the candidate's home address is in England—
  - (i) if the address is within a district for which there is a district council, that district;
  - (ii) if the address is within a county in which there are no districts with councils, that county;
  - (iii) if the address is within a London borough, that London borough;
  - (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London;
  - (v) if the address is within the Isles of Scilly, the Isles of Scilly;
- (c) where the candidate's home address is in Scotland, the local government area in which the address is situated;
- (d) where the candidate's home address is in Northern Ireland, the local government district in which it is situated.

## **Personal statements**

**10.**—(1) This rule sets out the requirements for personal statements that may accompany nomination papers under rule 5(7)(b).

(2) A candidate's personal statement—

- (a) may be in any language that the candidate chooses,
- (b) must use Roman script,
- (c) must be no more than 180 words, and
- (d) must be solely about the candidate and the reasons why the candidate is seeking election.

(3) A candidate may not include in a personal statement—

- (a) anything that is obscene or offensive,
- (b) anything the publication of which would be likely to amount to the commission of an offence, or
- (c) anything that could mislead or confuse voters as to the electoral system in use at the election or the effect of giving their vote.

(4) A candidate's personal statement may include (without counting towards the word limit) a recent photograph of the candidate.

(5) A candidate's personal statement must also include (without counting towards the word limit)—

- (a) any description included in the nomination paper under rule 5(3)(b), and
- (b) the information contained in the statement of party membership included in the nomination paper under rule 5(3)(c).

(6) If a candidate's personal statement is in a language other than English or Welsh—

- (a) it must include a translation of the statement into English or Welsh or both, and
- (b) unless it includes a translation into both English and Welsh, it may also include a translation into another language.

(7) If a candidate's personal statement is in English, it may also include a translation into no more than two other languages.

(8) If a candidate's personal statement is in Welsh, it may also include a translation into no more than two other languages.

## **Decisions as to validity of nomination papers**

**11.**—(1) This rule applies where a nomination paper and the accompanying home address form are delivered in accordance with these rules.

(2) The candidate stands nominated unless and until one of the following events occurs—

- (a) the returning officer decides that the nomination paper is invalid;
- (b) the returning officer is satisfied that the candidate has died;
- (c) the candidate withdraws.

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

- (a) that the particulars of the candidate are not as required by law;
- (b) that the statement of party membership included in the nomination paper does not comply with rule 8;
- (c) that the candidate's home address form does not comply with rule 9(2) to (6);
- (d) where the candidate's home address form contains a statement that the home address must not be made public, that the form does not comply with rule 9(7);
- (e) that the nomination paper is not signed by the candidate, or that the candidate's signature has not been attested, as required by rule 5(5).

(4) Subject to paragraph (5), the returning officer must, as soon as reasonably practicable after each nomination paper and home address form have been delivered, examine them and decide whether the candidate has been validly nominated.

(5) If in the opinion of the returning officer a description in a nomination paper has been included in breach of rules 6(3) or (4) or 7, the returning officer must give a decision that the candidate's particulars are not as required by law—

- (a) as soon as reasonably practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours beginning with the close of the period for delivery of nomination papers.

(6) Where the returning officer decides that a nomination paper is invalid, the returning officer must endorse on the paper the fact of the decision and the reasons for it and sign the endorsement.

(7) The returning officer must give each candidate a notice stating the returning officer's decision as to whether the candidate's nomination paper is valid or invalid.

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

(9) Except as provided by paragraph (8), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

#### **Nomination in more than one electoral ward**

**12.**—(1) A candidate who is validly nominated for more than one electoral ward of the same principal area must withdraw from candidature in all those electoral wards except one.

(2) A candidate who does not withdraw as required by paragraph (1) is to be treated as having withdrawn from candidature in all the electoral wards in which the candidate was validly nominated.

#### **Withdrawal of candidates**

**13.**—(1) A candidate may withdraw from candidature by giving a notice of withdrawal to the returning officer.

(2) The notice of withdrawal must be signed by the candidate in the presence of a witness who must attest the candidate's signature.

#### **Publication of statement of persons nominated and personal statements**

**14.**—(1) The returning officer must prepare and publish a statement (a "statement of persons nominated") showing—

- (a) the persons who have been and stand nominated, and
- (b) any other persons who have been nominated but no longer stand nominated, with the reason why they no longer stand nominated.

(2) The statement must show—

- (a) the names and descriptions (if any) of the persons nominated, as given in their nomination papers,
- (b) their home address information (see paragraph (3)), and
- (c) the information contained in their statements of membership of political parties, as given in their nomination papers.

(3) In these rules, references to the home address information of a person nominated are to the following information as given in the home address form accompanying the nomination paper—

- (a) where the home address form contains a statement that the home address must not be made public, the information given in accordance with rule 9(7);

(b) where the home address form does not contain such a statement, the address of the person nominated.

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

(5) At the same time as publishing the statement of persons nominated, the returning officer must publish online the personal statements of those persons shown as standing nominated who provided a personal statement complying with rule 10.

(6) Rule 15 (use of commonly used names) and rule 16 (names that are the same or similar) make further provision about the content of the statement of persons nominated.

#### **Use of commonly used names in statement of persons nominated**

**15.**—(1) This rule applies where a person's nomination paper gives commonly used forenames or surnames in accordance with rule 5(4).

(2) The statement of persons nominated must show the person's commonly used forenames or surnames (instead of the forenames or surnames stated in the nomination paper in accordance with rule 5(3)(a)) unless the returning officer decides—

- (a) that the use of the person's commonly used forenames or surnames may be likely to mislead or confuse electors, or
- (b) that the commonly used forenames or surnames are obscene or offensive.

(3) Where paragraph (2)(a) or (b) applies —

- (a) the statement of persons nominated must show the person's other forenames or surnames as stated in the nomination paper in accordance with rule 5(3)(a) (instead of the commonly used forenames or surnames), and
- (b) the returning officer must give a notice to the candidate stating the reasons for refusing to allow the use of the commonly used forenames or surnames.

#### **Names that are the same or similar**

**16.**—(1) This rule applies where, in preparing a statement of persons nominated, the returning officer decides that—

- (a) two or more of the names that would be shown on the statement are the same or so similar as to be likely to cause confusion,

- (b) each of the persons concerned has made a statement that they require their home address not to be made public (see rule 9(6)), and
- (c) the information given in accordance with rule 9(7) is the same for each of them.

(2) The returning officer may arrange for any of their particulars to be shown on the statement of persons nominated with such amendments or additions as the returning officer thinks appropriate to reduce the likelihood of confusion.

(3) In deciding whether to make amendments or additions under this rule, the returning officer must have regard to any guidance given by the Electoral Commission for the purposes of this rule.

(4) Where it is practicable to do so before the publication of the statement, the returning officer must consult any persons whose particulars are to be amended or added to under this rule.

(5) The returning officer must give a notice to any person whose particulars are amended or added to under this rule, setting out the amendments or additions.

(6) Anything done by a returning officer under this rule may not be questioned in any proceedings other than proceedings on an election petition.

#### **Correction of minor errors in nomination papers etc**

**17.**—(1) A returning officer may, at any time before the publication of the statement of persons nominated, correct minor errors in a nomination paper, home address form or personal statement.

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number;
- (b) obvious errors of spelling;
- (c) errors as to the information given in accordance with rule 9(7) (information that must be included where the candidate has stated that the home address must not be made public).

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

(4) In deciding whether to correct minor errors under this rule, a returning officer must have regard to any guidance given by the Electoral Commission for the purposes of this rule.

### **Inspection of nomination papers**

**18.**—(1) During the time for inspection, any person may inspect nomination papers that have been delivered.

(2) In paragraph (1) “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.

(3) A person inspecting nomination papers may take a copy of, or make extracts from, the papers.

### **Inspection of home address forms**

**19.**—(1) During the time for inspection, the home address form of a candidate standing nominated may be inspected by any of the following who wish to inspect it—

- (a) another candidate standing nominated in the same electoral ward;
- (b) the election agent of another candidate standing nominated in that ward;
- (c) in the case of another candidate standing nominated in that ward who is acting as their own election agent, another person selected by that candidate.

(2) In paragraph (1) “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.

(3) A candidate or other person carrying out an inspection under this rule must not take a copy of, or make extracts from, a home address form.

(4) The returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule or for some other purpose authorised by law.

### **Adjournment of nomination proceedings in the case of riot**

**20.**—(1) This rule applies if proceedings for, or in connection with, nomination are interrupted or obstructed on any day by riot or open violence.

(2) The proceedings must be abandoned for that day.

(3) If the day on which the proceedings are abandoned is the last day for the delivery of nomination papers, the proceedings must be resumed on the next day (as if it were instead the last day for the delivery of nomination papers).

(4) Where proceedings are resumed on the next day as required by paragraph (3), that day must be treated for the purposes of these rules as being the last day for delivery of nomination papers (subject to any further

application of paragraph (3) in the event of interruption or obstruction on that day).

(5) Where proceedings are abandoned under this rule—

- (a) nothing may be done after the proceedings are resumed if the time for doing it had passed when the proceedings were abandoned, and
- (b) nothing done before the proceedings were abandoned is invalidated by reason of the abandonment.

#### Method of Election

### **Decision as to whether election is contested and next steps**

**21.**—(1) The returning officer must determine whether the number of persons remaining validly nominated for the electoral ward after any withdrawals under rule 13 exceeds the number of councillors to be elected.

(2) If the number of persons remaining validly nominated does not exceed the number of councillors to be elected, the returning officer must declare the person or persons standing validly nominated to be elected.

(3) The returning officer must also—

- (a) give a notice stating the names of those declared to be elected to the proper officer of the council for the principal area, and
- (b) publish their names.

(4) If the number of persons remaining validly nominated exceeds the number of councillors to be elected, a poll must be taken in accordance with Part 3.

## PART 3

### The Poll at Contested Elections

#### General Provisions

### **Poll to be taken by ballot**

**22.**—(1) The votes at the poll must be given by ballot.

(2) The result must be ascertained in accordance with Part 4 (counting of votes at elections).

### **The ballot papers**

**23.**—(1) The ballot of every voter must consist of a ballot paper.

(2) The only persons entitled to have their names inserted on the ballot paper are those remaining validly

nominated for the electoral ward after any withdrawals under rule 13.

(3) A ballot paper must be—

- (a) in the form in Appendix 2, and
- (b) printed in accordance with the directions in that Appendix.

(4) The ballot paper must—

- (a) contain the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated,
- (b) be capable of being folded up,
- (c) have a number and other unique identifying mark printed on the back, and
- (d) be of a different colour to that of any ballot papers used at a relevant election.

(5) At the request of a candidate who is authorised under rule 6(3)(c) to use a description likely to lead electors to associate the candidate with a registered political party, the ballot paper must contain, against the candidate's particulars, one registered emblem of the party.

(6) At the request of a candidate who is authorised under rule 6(4)(c) to use a description likely to lead electors to associate the candidate with two or more registered political parties, the ballot paper must contain, against the candidate's particulars, one registered emblem of one of the parties.

(7) The candidate's request under paragraph (5) or (6) must be—

- (a) made in writing to the returning officer, and
- (b) received by the returning officer before the last time for the delivery of nomination papers as set out in the timetable in rule 1.

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

### **Corresponding number list**

**24.**—(1) The returning officer must prepare a list ("the corresponding number list") in accordance with this rule.

(2) The corresponding number list must be in two parts.

(3) Part 1 must contain the numbers and unique identifying marks of all ballot papers to be issued in pursuance of rule 29(1) (postal ballot papers).

(4) Part 2 must contain the numbers (but not the unique identifying marks) of all ballot papers to be provided in pursuance of rule 33(1) (provision of ballot boxes and ballot papers at polling stations).

(5) The corresponding number list must be in the form set out in Appendix 3 or a form to the like effect.

(6) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **The official mark**

**25.**—(1) Each ballot paper must contain an appropriate security marking (“the official mark”).

(2) The official mark must be kept secret.

(3) An interval of not less than five years must intervene between the use of the same official mark at elections for the same county or county borough.

(4) The returning officer may use a different official mark for different purposes at the same election.

### **Prohibition of disclosure of vote**

**26.** A person who has voted at the election may not be required to state for whom they voted in any legal proceedings to question the election.

### **Use of schools and public rooms**

**27.**—(1) The returning officer may use any of the following rooms free of charge for the purpose of taking the poll or counting the votes —

- (a) a room in a school maintained or assisted by a county or county borough council;
- (b) a room in a school in respect of which grants are made out of money provided by Senedd Cymru, or by Parliament, to the person or body responsible for the management of the school;
- (c) any other room if the expense of maintaining the room is payable wholly or mainly out of public funds.

(2) Where a room described in paragraph (1) is used for the purpose of taking the poll or counting the votes, the returning officer must—

- (a) make good any damage to the room resulting from its use for that purpose, and
- (b) defray any expense incurred by the person or body having control over the room by reason of its use for that purpose.

## Action to be taken before the poll

### Notice of poll

**28.**—(1) The returning officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll,
- (b) the number of councillors to be elected for the electoral ward, and
- (c) the names and descriptions (if any) of each candidate remaining validly nominated and their home address information.

(2) The candidates' particulars, and the order of the candidates' names, must be the same as in the statement of persons nominated.

(3) The returning officer must, before or at the same time as publishing notice of the poll, also publish notice of—

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

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

- (a) state that the poll at the principal area election is to be taken together with the poll at a relevant election,
- (b) specify the constituency or, as appropriate, other area to which the relevant election relates, and
- (c) where any of the polls are to be taken together only in part of the county or county borough, specify that part.

(5) The returning officer must, as soon as practicable after publishing notice under paragraph (3), give a copy of it to each of the election agents.

(6) Where the returning officer is not the co-ordinating returning officer, see also rules 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under paragraphs (3) to (5) are to be discharged by the co-ordinating returning officer).

### Postal ballot papers

**29.**—(1) The returning officer must, in accordance with regulations under the 1983 Act, issue to those entitled to vote by post—

- (a) a ballot paper,
- (b) a postal voting statement in the form set out in Appendix 4 or a form to the like effect, and
- (c) such envelopes for the return of the ballot paper and postal voting statement as may be prescribed by regulations under the 1983 Act.

(2) The returning officer must also issue to those entitled to vote by post such information as the returning officer considers appropriate about how to obtain—

- (a) translations into languages other than English and Welsh of any directions to or guidance for voters sent with the ballot paper,
- (b) a translation into Braille of such directions or guidance,
- (c) graphical representations of such directions or guidance, and
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision —

- (a) for the form to be signed by the elector or, where the elector is voting by proxy, the proxy, unless the registration officer has dispensed with the requirement for a signature, and
- (b) for stating the date of birth of the elector or, where the elector is voting by proxy, the proxy.

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

(5) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Provision of polling stations**

**30.**—(1) The returning officer must—

- (a) provide a sufficient number of polling stations, and
- (b) allot the electors to the polling stations.

(2) One or more polling stations may be provided in the same room.

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

(4) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Appointment of presiding officers and clerks**

**31.**—(1) The returning officer must appoint and pay—

- (a) a presiding officer to attend at each polling station, and
- (b) such number of clerks as may be necessary for the purposes of the poll or the count or otherwise for the purposes of the election.

(2) The returning officer must not knowingly appoint, as a presiding officer or clerk, a person who has been employed by or on behalf of a candidate in connection with the election.

(3) The returning officer may preside at a polling station.

(4) Where the returning officer presides at a polling station, these rules apply to the returning officer so presiding with the necessary modifications as to things done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(5) A presiding officer may authorise the clerks to do anything (including asking questions) that the presiding officer is required or authorised by these rules to do at a polling station, except ordering the exclusion or removal of any person from the polling station.

(6) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule in relation to the appointment of presiding officers and clerks are to be discharged by the co-ordinating returning officer).

### **Issue of official poll cards**

**32.**—(1) The returning officer must, as soon as practicable after publishing notice of the election, send or deliver—

- (a) an official poll card to electors not voting by post,
- (b) an official postal poll card to electors voting by post and not by proxy,
- (c) an official proxy poll card to a person voting as proxy for an elector and not by post, and
- (d) an official proxy postal poll card to a person voting as proxy for an elector by post.

(2) An official poll card or an official postal poll card must be sent or delivered to the elector's qualifying address.

(3) An official proxy poll card or an official proxy postal poll card must be sent or delivered to the proxy's address, as shown in the list of proxies.

(4) Each poll card must be in the appropriate form in Appendix 5 or a form to the like effect and must set out—

- (a) the name of the council to which councillors are to be elected,
- (b) the electoral ward for which councillors are to be elected,
- (c) the number of councillors to be elected for that electoral ward,
- (d) the elector's name, qualifying address and number on the register,
- (e) the date and hours of the poll and the situation of the elector's polling station, and
- (f) such other information as the returning officer considers appropriate.

(5) Different information may be provided under paragraph (4)(f) to different electors or descriptions of elector.

(6) In the case of an elector with an anonymous entry, the poll card—

- (a) must contain such information as is specified in Appendix 5 instead of the information set out in paragraph (4)(d), and
- (b) must be sent or delivered in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry.

(7) If the returning officer and the returning officer for a relevant election consider it appropriate, a poll card issued under this rule may be combined with a poll card of the same type issued at each relevant election.

(8) In this rule—

- (a) “elector” means a person who is registered in the register of local government electors for the electoral ward in question on the last day for the publication of notice of the election, except that it includes a person then shown in the register (or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries) as below voting age only if it appears from the register or the record that the person will be of voting age on the day fixed for the poll.
- (b) “qualifying address” has the same meaning as in the 1983 Act (see section 202(1) of that Act).

### **Equipment of polling stations**

**33.**—(1) The returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as the returning officer considers necessary.

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

(3) If the returning officer considers it appropriate, the same ballot box may be used for the poll at the principal area election and the poll at each relevant election.

(4) If separate ballot boxes are to be used, each ballot box must be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election, and
- (b) information specifying the colour of the ballot papers that may be placed in the box.

(5) The returning officer must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,
- (b) copies of the relevant register of electors,
- (c) copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act<sup>(1)</sup> so far as relating to the relevant register of electors,
- (d) copies of the parts of any lists of persons entitled to vote by post or by proxy that correspond to the relevant register of electors, and
- (e) a list (“the polling station’s corresponding number list”) consisting of the part of Part 2 of the corresponding number list prepared under rule 24 that contains the numbers, but not the other unique identifying marks, corresponding to those on the ballot papers provided to the presiding officer under paragraph (1).

(6) In paragraph (5), “the relevant register of electors” means the register of electors for the electoral ward or such part of it as contains the entries relating to the electors allotted to the polling station.

(7) The returning officer must cause to be displayed at each polling station an enlarged sample copy of the ballot paper.

(8) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.

(9) The returning officer must also provide each polling station with—

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(1) Sections 13 to 13B of the 1983 Act were substituted for section 13 of that Act by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Section 13B(3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006.

- (a) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially-sighted, and
- (b) a device for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or a companion (see rules 44 to 46 for the assistance that may be obtained from the presiding officer or a companion).

(10) The sample copy of the ballot paper required to be displayed and provided by paragraphs (7) and (9)(a) must be clearly marked as specimen and provided only for the guidance of voters.

(11) The device referred to in paragraph (9)(b) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper,
- (b) hold the ballot paper firmly in place during use, and
- (c) provide a suitable means for the voter to—
  - (i) identify the spaces on the ballot paper on which votes may be marked,
  - (ii) identify the candidate to which each space refers, and
  - (iii) mark their vote on the space chosen.

(12) The returning officer must also cause a notice in the form in Appendix 6, giving directions for the guidance of voters in voting, to be displayed—

- (a) inside each voting compartment in the polling station,
- (b) inside the polling station (but outside the voting compartments), and
- (c) outside the polling station.

(13) The returning officer may also provide copies of the notice in Braille or in such languages other than English and Welsh as the returning officer considers appropriate.

(14) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Appointment of polling and counting agents**

**34.—**(1) A candidate may, before the poll begins, appoint—

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

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

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

(3) The returning officer may limit the number of counting agents but the number must be the same for each candidate.

(4) The candidate must give a notice to the co-ordinating returning officer where polling agents or counting agents are appointed.

(5) The notice must—

(a) give the names and addresses of the persons appointed, and

(b) be given no later than the fifth day before the day of the poll, disregarding any excluded day.

(6) If a polling agent or counting agent dies or becomes incapable of acting—

(a) the candidate may appoint another agent instead, and

(b) must immediately give the co-ordinating returning officer a notice stating the other agent's name and address.

#### **Polling and counting agents: supplemental provision**

**35.**—(1) A candidate or the candidate's election agent—

(a) may do anything that the candidate's polling or counting agent is authorised to do (or would, if appointed, have been authorised to do);

(b) may assist the candidate's polling or counting agent to do anything that the polling or counting agent is authorised to do.

(2) Anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done instead in the presence of the candidate's election agent.

(3) Where these rules require or authorise something to be done in the presence of the polling or counting agents, the non-attendance of the agent or agents at the time and place appointed does not invalidate the thing done.

(4) Where a candidate does not have a counting agent, the returning officer may give the candidate any notice that is required by these rules to be given to the counting agent.

### **Notification of requirement of secrecy**

**36.**—(1) The returning officer must make arrangements to ensure that every person attending at a polling station, other than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty, has been given a notice setting out the provisions of section 66(1), (3) and (6) of the 1983 Act.

(2) In this rule, a reference to a constable includes a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

(3) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Return of postal ballot papers**

**37.**—(1) Where a postal vote has been returned in respect of a person who is entered on the postal voters list, the returning officer must mark the list in the manner prescribed by regulations under the 1983 Act.

(2) Where a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list, the returning officer must mark the list in the manner prescribed by regulations under that Act.

(3) Rule 59(2) does not apply for the purpose of deciding whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

(4) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **The Poll**

### **Admission to polling station**

**38.**—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters allotted to the polling station,
- (b) persons under the age of 16 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,

- (f) the returning officer or members of the returning officer's staff,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (representatives of the Electoral Commission and accredited observers),
- (h) the constables on duty,
- (i) the companions of voters with disabilities, and
- (j) persons entitled to be present at the polling station for the purposes of a relevant election.

(2) The presiding officer must regulate the total number of voters and persons under the age of 16 who accompany them who are admitted to the polling station at the same time.

(3) Only one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable voting in person may do so either—

- (a) at the polling station allotted under these rules, or
- (b) at another polling station, if the constable produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by an officer of police of or above the rank of inspector.

(5) A person employed by the returning officer, if voting in person, may do so either—

- (a) at the polling station allotted under these rules, or
- (b) at another polling station, if the person produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by the returning officer.

(6) A single certificate may be used for the principal area election and each relevant election.

(7) A certificate surrendered under paragraph (4) or (5) must immediately be cancelled.

(8) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

(9) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the function of signing a certificate for the purposes of paragraph (5) of this rule is to be discharged by the co-ordinating returning officer).

### **Keeping of order in station**

**39.**—(1) The presiding officer must keep order at the polling station.

(2) If a person engages in misconduct in a polling station, or fails to obey any orders lawfully given by the presiding officer, the presiding officer may order that the person be removed from the polling station.

(3) Where the presiding officer orders that a person be removed, the person may be removed immediately—

- (a) by a constable in or near the polling station, or
- (b) by any other person authorised in writing by the returning officer to remove people from the polling station.

(4) Where a person is removed, the person must not, without the presiding officer's permission, re-enter the polling station on the day of the poll.

(5) Where a person who is removed is charged with the commission of an offence in the polling station, the person may be dealt with as a person taken into custody by a constable for an offence without a warrant.

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

(7) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the function of the returning officer under paragraph (3)(b) of this rule is to be discharged by the co-ordinating returning officer).

### **Sealing of ballot boxes**

**40.**—(1) The presiding officer must take the following steps immediately before the poll begins.

(2) The presiding officer must show the empty ballot box to those people (if any) who are present in the polling station, so that they may see that it is empty.

(3) The presiding officer must then—

- (a) lock up the box, if it has a lock, and
- (b) place the returning officer's seal on it, in such a way as to prevent it being opened without breaking the seal.

(4) The presiding officer must then place the box, within the presiding officer's view, for the receipt of ballot papers.

(5) The presiding officer must keep the box locked and sealed or (if it does not have a lock) keep it sealed.

**Questions that may be put to voters**

41.—(1) At the time of an application for a ballot paper (but not afterwards), the presiding officer may put to any person described in the first column of Table 1 (set out in paragraph (3)) or in the first column of Table 2 (set out in paragraph (4)), one or more of the questions set out in the corresponding entry in the second column.

(2) If required to do so by the candidate or the candidate’s election or polling agent, the presiding officer must put to any person described in the first column of Table 1 one or more of the questions set out in the corresponding entry in the second column.

(3) Table 1 sets out questions that a presiding officer may put under paragraph (1) and that a candidate (or the candidate’s election or polling agent) may require to be put under paragraph (2).

**Table 1**

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector	<p>1(a) Are you the person registered in the register of local government electors for this election as follows?</p> <p>Notes to 1(a) The presiding officer must then read the whole entry from the copies of the registration records.</p> <p>1(b) Have you already voted, in this or another electoral ward, at the election of councillors for this county/county borough, otherwise than as proxy for some other person?</p> <p>Notes to 1(b) The presiding officer must say either “county” or “county borough”, as appropriate. The words “, in this or another electoral ward,” may be omitted if an election</p>

	is taking place only in one electoral ward.
2. A person applying as proxy for an elector other than an elector who has an anonymous entry	<p>2(a) Are you the person whose name appears as AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD?</p> <p>2(b) Have you already voted, in this or another electoral ward, at the election of councillors for the county/county borough, as proxy on behalf of CD?</p> <p>2(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD?</p> <p>Notes to 2(a) to (c) Where a question refers to AB, the presiding officer reads out the name as it appears in the list of proxies. Where a question refers to CD, the presiding officer reads out the name of the elector.</p> <p>Note to 2(b) The presiding officer must say either “county” or “county borough”, as appropriate. The words “, in this or another electoral ward,” may be omitted if an election is taking place only in one electoral ward.</p>
3. A person applying as proxy for an elector who has an anonymous entry	3(a) Are you the person entitled to vote as proxy on behalf of the elector whose number on the register

	<p>of electors is [x]?</p> <p>3(b) Have you already voted as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is [x]?</p> <p>Note to 3(a) to (c) Where the questions in this entry refer to [x], the presiding officer must read the elector's number from the copies of the registration records.</p>
<p>4. A person applying as proxy who has been asked the question numbered 2(c) or 3(c) in column 2 and has not answered "Yes"</p>	<p>4. Have you already voted, in this or another electoral ward, at the election of councillors for the county/county borough, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?</p> <p>Note to 4 The presiding officer must say either "county" or "county borough", as appropriate. The words " , in this or another electoral ward," may be omitted if an election is taking place only in one electoral ward.</p>

(4) Table 2 sets out the questions that a presiding officer may put under paragraph (1) (but cannot be required to put under paragraph (2)).

**Table 2**

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector in relation to whom there is an entry in the postal voters list	1(a) Did you apply to vote by post?  1(b) Why have you not voted by post?
2. A person applying as proxy who is named in the proxy postal voters list	2(a) Did you apply to vote by post as proxy?  2(b) Why have you not voted by post as proxy?

(5) A ballot paper must not be given to any person required to answer one or more of the questions in Table 1 or 2 unless the person has answered the question or questions satisfactorily.

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

(7) In this rule, “the copies of the registration records” means the copies provided by the returning officer for the polling station under rule 33(5)(b) and (c) (copies of the relevant register of electors and copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act relating to the relevant register of electors).

**Challenge of voter**

**42.** A person must not be prevented from voting by reason only that either or both of the following apply—

- (a) a candidate or a candidate’s election or polling agent has made a written declaration that they have reasonable cause to believe that the person has committed an offence of personation;
- (b) the person is arrested on the grounds that they are suspected of committing or being about to commit an offence of personation.

**Voting procedure**

**43.—(1)** A ballot paper must be given to a voter who applies for one.

(2) Immediately before the ballot paper is given—

- (a) the number of the elector, as stated in the copies of the registration records, must be called out,
  - (b) unless the elector has an anonymous entry, the name of the elector, as stated in the copies of the registration records, must also be called out,
  - (c) the number of the elector must be marked on the polling station's corresponding number list beside the number of the ballot paper to be issued,
  - (d) a mark must be placed in the copies of the registration records against the number of the elector to note that a ballot paper has been received, but without showing the particular ballot paper that has been received, and
  - (e) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.
- (3) In the case of an elector who has an anonymous entry—
- (a) the ballot paper may be given only if the elector's official poll card is shown to the presiding officer, and
  - (b) only the elector's number may be called out.
- (4) On receiving the ballot paper, the voter must go immediately into one of the compartments in the polling station.
- (5) Without undue delay, the voter must then—
- (a) secretly mark the ballot paper,
  - (b) fold the ballot paper up so as to conceal the vote,
  - (c) show the presiding officer the back of the ballot paper, so as to disclose the number and other unique identifying mark, and
  - (d) put the ballot paper into the ballot box in the presiding officer's presence.
- (6) As soon as the voter has put the ballot paper in the ballot box, the voter must leave the polling station.
- (7) If a voter is in the polling station, or in a queue outside the polling station, at the close of the poll and has not yet been able to cast their vote, the presiding officer must permit the voter to cast their vote as soon as practicable.
- (8) The copies of the registration records that are used for the principal area election may also be used for each relevant election.
- (9) Where ballot papers are issued to a voter in respect of the principal area election and in respect of each relevant election, one mark may be placed in the copies of the registration records and, where

appropriate, in the list of proxies to denote that the ballot papers have been issued.

(10) In any other case, the copies of the registration records and, where appropriate, the list of proxies must be marked in such a way as to identify each election in respect of which a ballot paper has been issued.

(11) In this rule, “the copies of the registration records” has the same meaning as in rule 41 (see paragraph (7) of that rule).

**Voters with a disability or unable to read: marking of votes by presiding officer**

**44.**—(1) A voter may apply to the presiding officer for their vote to be marked if the voter—

- (a) is unable, because of blindness or other disability, to vote in the manner directed by these rules, or
- (b) declares orally that they are unable to read.

(2) Where an application is made, the presiding officer must, in the presence of any polling agents who are in the polling station when the application is made—

- (a) cause the voter’s vote to be marked on a ballot paper in the manner directed by the voter, and
- (b) cause the ballot paper to be placed in the ballot box.

(3) Where a voter’s vote is marked in pursuance of paragraph (2), the presiding officer must enter the following details on a list maintained by the presiding officer for the purposes of this rule (“the list of votes marked by the presiding officer”)—

- (a) the name and number of the voter, as shown in the copies of the registration records, and
- (b) the reason why the vote was marked.

(4) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name in the list of votes marked by the presiding officer is the elector’s number.

(5) The same list of votes marked by the presiding officer may be used for the principal area election and each relevant election.

(6) Where the same list is used, an entry in the list is to be taken as meaning that the voter’s vote was marked in respect of the principal area election and in respect of each relevant election, unless the list identifies one or more elections at which the voter’s vote was marked.

(7) In this rule, “the copies of the registration records” has the same meaning as in rule 41 (see paragraph (7) of that rule).

**Voters with a disability or unable to read:  
assistance of companions**

45.—(1) A voter may apply to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of a companion.

(2) Where an application is made, the presiding officer must require the voter to declare, orally or in writing, whether the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.

(3) In the following provisions of this rule, a voter who declares that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion is referred to as a voter with disabilities.

(4) At the time when an application to vote with the assistance of a companion is made, the companion must make a written declaration before the presiding officer that the companion—

- (a) is eligible to assist the voter (see paragraph (5)), and
- (b) has not previously assisted more than one voter with disabilities to vote at the election.

(5) The companion is eligible to assist the voter if—

- (a) the companion is entitled to vote as an elector at the election, or
- (b) is a relative of the voter and has attained the age of 16.

(6) For the purposes of paragraph (5), a person is a “relative” of the voter if they are the parent, grandparent, brother, sister, spouse, civil partner, child or grandchild of the voter.

(7) The companion’s declaration—

- (a) must be in the form of the declaration relating to the principal area election in Appendix 8, and
- (b) must be given to the presiding officer who must attest it and retain it.

(8) The companion’s declaration at the principal area election and each relevant election may be made in the same document.

(9) The presiding officer must grant the voter’s application for the assistance of a companion if the presiding officer—

- (a) is satisfied that the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion, and
- (b) is also satisfied by the companion’s written declaration that the companion is eligible to

assist the voter and has not previously assisted more than one voter with disabilities to vote at the election.

- (10) Where the application is granted—
- (a) anything that is required to be done by these rules to the voter in connection with the giving of the vote may be done instead to the companion, and
  - (b) the voter may do anything that needs to be done in connection with the giving of the vote with the assistance of the companion.

**Voting with the assistance of a companion: supplemental provision**

**46.**—(1) Where a vote is given with the assistance of a companion in accordance with rule 45, the presiding officer must then enter the following details in a list maintained by the presiding officer (“the list of voters with disabilities assisted by companions”)—

- (a) the name and number of the voter, as shown in the copies of the registration records, and
- (b) the name and address of the companion.

(2) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name in the list of voters with disabilities assisted by companions is the elector’s number.

(3) Where the voter has an anonymous entry, only the voter’s number in the copies of the registration records may be entered in the list of voters with disabilities assisted by companions.

(4) No fee or other payment may be charged in respect of a declaration made by a companion under rule 45(4).

(5) The same list of voters with disabilities assisted by companions may be used for the principal area election and each relevant election.

(6) Where the same list is used, an entry in the list is to be taken as meaning that the voter’s vote was given with assistance in respect of the principal area election and in respect of each relevant election, unless the list identifies one or more elections at which the voter’s vote was given with assistance.

(7) In this rule, “the copies of the registration records” has the same meaning as in rule 41 (see paragraph (7) of that rule).

**Tendered ballot papers: circumstances where available**

**47.**—(1) This rule sets out circumstances where a person who applies for a vote (“the applicant”) is entitled to vote on satisfactorily answering the questions permitted by law to be asked at the poll but

where the procedure for giving the vote is modified in the following two ways—

- (a) the person must use a ballot paper that is of a different colour to other ballot papers, and
- (b) the person must give the ballot paper to the presiding officer (instead of putting it in the ballot box).

*Circumstances where vote already given in person*

(2) The first set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records and not named in the postal voters list or list of proxies, and
- (b) another person has already voted in person either as that elector or as that elector's proxy.

(3) The second set of circumstances is where—

- (a) the applicant represents themselves to be a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy, and
- (b) another person has already voted in person either as that elector or as that elector's proxy.

*Circumstances where applicant on postal voters list claims not to have applied for postal vote*

(4) The third set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records,
- (b) the applicant is also named in the postal voters list, and
- (c) the applicant claims not to have made an application to vote by post at the election.

(5) The fourth set of circumstances is where—

- (a) the applicant represents themselves to be a particular person named as a proxy in the list of proxies,
- (b) that person is also named in the proxy postal voters list, and
- (c) the applicant claims not to have made an application to vote by post as proxy at the election.

*Circumstances where applicant claims to have lost postal ballot paper etc*

(6) The fifth set of circumstances is where—

- (a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular elector named in the copies of the registration records

who is also named in the postal voters list,  
and

(b) the applicant claims to have lost or not to have received that person's postal ballot paper.

(7) The sixth set of circumstances is where—

(a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular person named as a proxy in the list of proxies who is also named in the proxy postal voters list, and

(b) the applicant claims to have lost or not to have received that person's postal ballot paper.

(8) A ballot paper that is given to the presiding officer in accordance with this rule is referred to in these rules as a "tendered ballot paper".

(9) Where an elector has an anonymous entry, the references in this rule to a person named in the copies of the registration records or a list is to be read as a reference to a person who has a number in the copies or list.

(10) In this rule, "the copies of the registration records" has the same meaning as in rule 41 (see paragraph (7) of that rule).

### **Duties of presiding officer in relation to tendered ballot papers**

**48.**—(1) This rule sets out the duties of the presiding officer in relation to tendered ballot papers.

(2) The presiding officer must endorse the following information on the ballot paper—

(a) the name of the voter, and

(b) the voter's number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.

(3) The presiding officer must put the ballot paper in a separate packet.

(4) The following information must be entered on a list (the "tendered votes list")—

(a) the name of the voter, and

(b) the voter's number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.

(5) Where an elector has an anonymous entry, the presiding officer must not include the name of the voter on the ballot paper or in the tendered votes list.

(6) The same tendered votes list may be used for the principal area election and each relevant election.

(7) Where the same list is used, an entry in the list is to be taken as meaning that the presiding officer was given a tendered ballot paper in respect of the principal area election and in respect of each relevant election, unless the list identifies one or more elections at which a tendered ballot paper was given.

(8) In this rule, “the copies of the registration records” has the same meaning as in rule 41 (see paragraph (7) of that rule).

### **Spoilt ballot papers**

**49.**—(1) This rule applies where a voter has inadvertently dealt with their ballot paper in such a manner that it cannot conveniently be used as a ballot paper.

(2) The voter may obtain another ballot paper by—

- (a) giving the ballot paper that was inadvertently dealt with (the “spoilt ballot paper”) to the presiding officer, and
- (b) proving to the presiding officer’s satisfaction that it was dealt with inadvertently.

(3) Where the voter is given another ballot paper, the spoilt ballot paper must be cancelled immediately.

### **Correction of errors on day of poll**

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

(2) The same list may be used for the principal area election and each relevant election.

(3) Where the same list is used, an entry in the list is to be taken as meaning that ballot papers were given in consequence of an alteration to the register in respect of the principal area election and in respect of each relevant election, unless the list identifies one or more elections at which ballot papers were so given.

### **Adjournment of poll in case of riot**

**51.**—(1) This rule applies where proceedings at any polling station are interrupted or obstructed by riot or open violence.

(2) The presiding officer—

- (a) must adjourn the proceedings until the following day, and
- (b) immediately inform the co-ordinating returning officer.

- (3) Where the poll is adjourned at a polling station—
  - (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
  - (b) references in these rules to the close of the poll are to be read as references to the end of the hours of polling on the day to which it is adjourned.

### **Procedure on close of poll**

**52.**—(1) This rule sets out the steps that must be taken by the presiding officer as soon as practicable after every voter has cast their vote.

(2) In the presence of the polling agents appointed for the purposes of the principal area election and those appointed for the purposes of each relevant election, the presiding officer must seal each ballot box (with the key if any attached) in use at the polling station so as to prevent the introduction of additional ballot papers, using the presiding officer’s seal and the seals of any polling agents who wish to affix their seal.

(3) In the presence of the polling agents appointed for the purposes of the principal area election and those appointed for the purposes of each relevant election, the presiding officer must place each of the following in separate packets, sealed using the presiding officer’s seal and the seals of any polling agents who wish to affix their seal—

- (a) the unused and spoilt ballot papers (together);
- (b) the tendered ballot papers;
- (c) the marked copies of the registration records and list of proxies (together);
- (d) the polling station’s corresponding number list, as marked (see rule 43(2)(c)) (referred to in the following provisions of these rules as “the completed corresponding number list”);
- (e) any certificates surrendered under rule 38(4) or (5) (surrender of certificates issued to constables or staff of returning officers);
- (f) the following lists and declarations (together)—
  - (i) the list of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads “disability” and “unable to read” (see rule 44);
  - (ii) the declarations made by the companions of voters with disabilities (see rule 45);
  - (iii) the list of voters with disabilities assisted by companions (see rule 46);
  - (iv) the tendered votes list (see rule 48);

(v) the list maintained under rule 50 (correction of errors on day of poll).

(4) The presiding officer must deliver the sealed ballot boxes and packets to the co-ordinating returning officer or cause them to be delivered in accordance with arrangements approved by that returning officer.

(5) The packets must be accompanied by a statement (“a ballot paper account”) prepared by the presiding officer showing—

- (a) the number of ballot papers given to the presiding officer, and
- (b) how the ballot papers are accounted for under the following headings—
  - (i) the number of ballot papers issued and not otherwise accounted for;
  - (ii) the number of ballot papers unused;
  - (iii) the number of spoiled ballot papers;
  - (iv) the number of tendered ballot papers.

(6) The contents of the packets containing the unused and spoiled ballot papers and the tendered ballot papers must not be combined with the contents of the packets made under the corresponding rule that applies at any relevant election.

(7) The ballot paper account must not be combined with the ballot paper account prepared under the corresponding rule that applies at any relevant election.

(8) In this rule, “the marked copies of the registration records” means the copies of the registration records (as defined by rule 41(7)), as marked in accordance with these rules.

## PART 4

### Counting of Votes and Declaration of Result at Contested Elections

#### **Overview of rules and interpretation**

**53.**—(1) This rule provides an overview of the application of this Part.

(2) Where the returning officer is the co-ordinating returning officer, the following rules apply—

- (a) rule 54 (attendance at proceedings);
- (b) rule 55 (preliminary and general duties);
- (c) rule 56 (separation of ballot papers etc);
- (d) rules 59 to 65 (provisions relating to counting etc).

(3) Where the returning officer is not the co-ordinating returning officer, the following rules apply—

- (a) rule 54(1) and (3) to (7) (attendance at proceedings);
  - (b) rule 57 (preliminary and general duties);
  - (c) rule 58 (opening of containers etc.);
  - (d) rule 59 to 65 (provisions relating to counting etc).
- (4) In this Part—
- (a) references to the principal area counting agents are to the counting agents appointed for the purposes of the principal area election;
  - (b) references to the other counting agents are to the counting agents appointed for the purposes of any relevant election;
  - (c) references to the principal area election agents are to the election agents appointed for the purposes of the principal area election;
  - (d) references to the other election agents are to the election agents appointed for the purposes of any relevant election.

#### **Attendance at proceedings under this Part**

**54.**—(1) The following persons are entitled to attend proceedings under rules 56(2) to (10), 58 and 60 to 65—

- (a) the returning officer and members of the returning officer’s staff;
- (b) each candidate and a guest of each candidate;
- (c) the principal area election agents;
- (d) the principal area counting agents;
- (e) any person who is entitled to attend by virtue of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (representatives of the Electoral Commission and accredited observers);
- (f) the constables on duty.

(2) In addition, any person who is entitled to attend the counting of votes at a relevant election is entitled to attend proceedings under rule 56(2) to (10).

(3) The returning officer may permit any other person to attend proceedings under any of rules 56(2) to (10), 58 or 60 to 65 but only if the returning officer—

- (a) is satisfied that the person’s attendance will not impede the efficient discharge of the returning officer’s functions, and
- (b) has either consulted the appropriate persons about whether to give permission or decided not to consult them.

(4) For the purposes of paragraph (3)(b), “the appropriate persons” are—

- (a) in the case of proceedings under rule 56(2) to (10), the principal area election agents and the other election agents;
- (b) in the case of any other proceedings, the principal area election agents.

(5) The returning officer must give any counting agents who are entitled to attend all such reasonable facilities for overseeing the proceedings, and all such information about them, as the returning officer is able to give consistently with the orderly conduct of the proceedings and the discharge of the returning officer's duties.

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

(7) The returning officer must make arrangements to ensure that every person attending at the counting of votes (other than the constables on duty) has been given a notice setting out the provisions of section 66(2) and (6) of the 1983 Act (notification of requirement of secrecy).

(8) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

**Preliminary and general duties where returning officer is co-ordinating returning officer**

**55.**—(1) This rule applies where the returning officer is the co-ordinating returning officer.

(2) The returning officer must make arrangements for discharging the functions under rule 56 as soon as practicable after the close of the poll.

(3) The returning officer must give the principal area counting agents and the other counting agents a notice stating the time and place at which the returning officer will begin to discharge the functions under rule 56.

(4) While counting and recording the number of ballot papers and counting the votes, the returning officer must take all proper precautions for preventing any person from identifying the voter who cast the vote.

**Separation of ballot papers etc where returning officer is co-ordinating returning officer**

**56.**—(1) This rule applies where the returning officer is the co-ordinating returning officer.

(2) The returning officer must, in the presence of the principal area counting agents and the other counting agents, open each ballot box, take out the ballot papers and record separately the number of ballot papers used in each election.

(3) The returning officer must not count any tendered ballot paper.

(4) Where separate ballot boxes were used at the poll, no vote for a candidate at the principal area election is to be treated as invalid because it was placed in the ballot box intended for use at a relevant election.

(5) The returning officer must, in the presence of the principal area election agents and the other election agents, verify each ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoiled ballot papers in the returning officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and tendered votes list).

(6) The returning officer must prepare a statement as to the result of the verification and give a copy of the statement to any principal area election agent, and to any other election agent, who requests it.

(7) After verifying the ballot paper accounts, the returning officer must—

- (a) count the postal ballot papers that have been properly returned (as to which see rule 59), and
- (b) record separately the number counted at the poll at the principal area election and at each relevant election.

(8) The returning officer must then—

- (a) separate the ballot papers relating to the principal area election from the ballot papers relating to each relevant election,
- (b) make up into packets the ballot papers for each relevant election, and
- (c) seal up the packets in separate containers endorsing on each a description of the area to which the ballot papers relate.

(9) The returning officer must then deliver or cause to be delivered to the returning officer for each relevant election—

- (a) the containers of ballot papers relating to the election, together with a list of the containers and their contents,
- (b) the ballot paper accounts relating to the election, together with a copy of the statements as to the result of the verification, and

- (c) the packets of unused and spoilt ballot papers and tendered ballot papers.

(10) The returning officer must then mix together all the ballot papers used at the principal area election.

**Preliminary and general duties where returning officer is not the co-ordinating returning officer**

**57.**—(1) This rule applies where the returning officer is not the co-ordinating returning officer.

(2) The returning officer must make arrangements for counting the votes in the presence of the principal area counting agents as soon as practicable after the delivery of the ballot papers by the returning officer who is the co-ordinating returning officer.

(3) The returning officer must give the principal area counting agents a notice stating the time when the counting of votes will begin (on the assumption that the ballot papers have been delivered) and the place at which the count will take place.

(4) While counting and recording the number of ballot papers and counting the votes, the returning officer must take all proper precautions for preventing any person from identifying the voter who cast the vote.

**Opening of containers etc where returning officer is not the co-ordinating returning officer**

**58.**—(1) This rule applies where the returning officer is not the co-ordinating returning officer.

(2) On receipt of the containers of ballot papers from the returning officer who is the co-ordinating returning officer, and after the time specified in the notice under rule 57(3), the returning officer must open each container in the presence of the principal area counting agents.

(3) Where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election under regulation 65 of the Representation of the People (England and Wales) Regulations 2001<sup>(1)</sup> or under that regulation as applied by regulations under section 44 of the Local Government Act 2000<sup>(2)</sup>, the returning officer must count the postal ballot papers that have been properly returned and record the number counted.

(4) The returning officer must mix together all the postal ballot papers and all the ballot papers from the containers.

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(1) S.I. 2001/341.  
(2) c. 22.

### **Further provision about postal ballot papers**

**59.**—(1) This rule applies for determining whether a postal ballot paper is to be treated as properly returned as mentioned in rule 56(7) and 58(3).

(2) A postal ballot paper is to be treated as properly returned if (and only if) the ballot paper and the accompanying postal voting statement properly completed are—

- (a) handed in at a polling station in the appropriate area before the close of the poll,
- (b) given by hand to the returning officer before the close of the poll, or
- (c) received by the returning officer by post before the close of the poll.

(3) A postal voting statement is properly completed if —

- (a) it is signed by the elector or (as the case may be) the proxy unless the registration officer has dispensed with the requirement for a signature,
- (b) it states the date of birth of the elector or (as the case may be) the proxy, and
- (c) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations under the 1983 Act, the returning officer has taken those steps and verified the date of birth and (except in a case where the requirement for a signature has been dispensed with) the signature.

(4) Where at the close of the poll, a person is in the polling station, or in a queue outside the polling station, for the purpose of handing in a postal ballot paper and postal voting statement—

- (a) the person must be permitted to hand the ballot paper and statement in at the polling station, and
- (b) where handed in, they are to be treated as having been handed in before the close of the poll for the purposes of this rule.

(5) “The appropriate area” referred to in paragraph (2)(a) is the area which is identified by—

- (a) establishing the polls in respect of which the postal voter has been issued with a ballot paper,
- (b) identifying the constituency or other area in respect of which each of those polls is being held, and
- (c) then identifying the area that is common to all those areas.

### **The count: general**

**60.**—(1) This rule applies where the returning officer has mixed the ballot papers under rule 56(10) or 58(4).

(2) The result of the poll must be ascertained by counting the votes given to each candidate.

(3) The candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, must be declared to have been elected.

(4) Subject to paragraph (5) the returning officer must, so far as practicable, proceed continuously with the counting of votes, allowing only time for refreshment.

(5) The returning officer may exclude any hours between 10 p.m. and 9 a.m. on the following morning.

(6) During any time that is excluded, the returning officer must—

- (a) place the ballot papers and other documents relating to the election under the returning officer's seal and the seals of any principal area counting agents who wish to affix their seals, and
- (b) otherwise take proper precautions for the security of the ballot papers and other documents.

### **The count: rejected ballot papers**

**61.**—(1) Subject to paragraphs (2) and (4), the following ballot papers are void and must not be counted—

- (a) a ballot paper that does not bear the official mark;
- (b) a ballot paper on which votes are given for more candidates than the voter is entitled to vote for;
- (c) a ballot paper on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back;
- (d) a ballot paper that is unmarked or void for uncertainty.

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

(3) Paragraph (4) applies to a ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place,
- (b) otherwise than by means of a cross, or
- (c) by more than one mark.

(4) The ballot paper is not, by reason only of how the vote is marked, to be treated as void (either wholly or as respects that vote) if—

- (a) it is clear from the ballot paper that the voter intended to vote for one or other of the candidates,
- (b) the way the ballot paper is marked does not itself identify the voter, and
- (c) the returning officer is satisfied that the voter cannot be identified from the ballot paper.

(5) The returning officer must—

- (a) endorse the word “rejected” on any ballot paper which, in accordance with this rule, is not to be counted;
- (b) endorse the word “rejected in part” on any ballot paper on which a vote is counted in accordance with paragraph (2) and indicate which vote or votes have been counted.

(6) If a counting agent objects to the returning officer’s decision, the returning officer must add the words “rejection objected to” to the endorsement.

(7) The returning officer must prepare a statement showing the number of ballot papers rejected and the number rejected in part.

(8) The statement must set out the number rejected or rejected in part under each of the headings in subparagraphs (a) to (d) of paragraph (1).

### **Re-count**

**62.**—(1) A candidate or the candidate’s election agent may, if present when the count is completed, request that the returning officer re-count the votes.

(2) The returning officer must comply with the request unless the returning officer’s opinion is that the request is unreasonable.

(3) No step may be taken on the completion of the count until the candidates and election agents who are present have been given a reasonable opportunity to request that the votes are re-counted.

(4) Where a re-count takes place, this rule also applies in relation to the re-count (so that, for example, the candidate or the candidate’s election agent may, if present when the re-count is completed, request that the returning officer re-count the votes).

### **Equality of votes**

**63.**—(1) This rule applies where, after the counting of the votes (including any re-count), there is an equality of votes between any candidates and the addition of a vote would entitle any of those candidates to be elected.

(2) The returning officer must immediately decide between the candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

#### **Decision on ballot papers**

**64.** The decision of the returning officer on any question arising in respect of a ballot paper is final, but may be reviewed on an election petition.

#### **Declaration of result**

**65.—**(1) When the count has been completed, the returning officer must declare to be elected the candidate or candidates to whom more votes have been given than to other candidates, up to the number of councillors to be elected.

(2) The returning officer must give a notice stating the names of the candidates elected to the proper officer of the council for which the election was held.

(3) The returning officer must also publish notice of—

- (a) the names of the candidates elected,
- (b) the total number of votes given for each candidate (whether elected or not), and
- (c) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers (see rule 61(7)).

## **PART 5**

### **Disposal of Documents**

#### **Sealing up of ballot papers at contested elections**

**66.—**(1) This rule applies on the completion of the counting of votes at a contested election.

(2) The returning officer must seal up in separate packets—

- (a) the counted ballot papers, and
- (b) the rejected ballot papers (including the ballot papers rejected in part).

(3) The returning officer must not open any packet sealed under rule 52(3) that contains tendered ballot papers.

(4) Where the returning officer is the co-ordinating returning officer, the returning officer must not open any packets sealed under rule 52(3) that contain—

- (a) completed corresponding number lists;
- (b) marked copies of the registration records and list of proxies;

- (c) certificates surrendered by constables or staff of returning officers under rule 38(4) or (5).

**Delivery of documents to registration officer at contested elections**

**67.**—(1) This rule applies where the returning officer has sealed up the counted and rejected ballot papers under rule 66(2).

(2) The returning officer must forward the following documents to the registration officer of the county or county borough council in whose area the election is held—

- (a) the packets of ballot papers in the returning officer's possession;
- (b) the ballot paper accounts prepared under rule 52(5);
- (c) the statements of rejected ballot papers prepared under rule 61(7);
- (d) the statements as to the result of the verification of the ballot paper accounts prepared under rule 56(6);
- (e) the packets containing the postal voters list and the proxy postal voters list.

(3) Where the returning officer is also the coordinating returning officer, the returning officer must also forward the following documents to the registration officer of the county or county borough council in whose area the election is held—

- (a) the following lists and declarations—
  - (i) the lists of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads “disability” and “unable to read” (see rule 44);
  - (ii) the declarations made by the companions of voters with disabilities (see rule 45);
  - (iii) the lists of voters with disabilities assisted by companions (see rule 46);
  - (iv) the tendered votes lists (see rule 48);
  - (v) the lists maintained under rule 50 (correction of errors on the day of the poll);
- (b) the packets containing completed corresponding number lists;
- (c) the packets containing marked copies of the registration records and list of proxies;
- (d) the packets containing certificates surrendered by constables or staff of returning officers under rule 38(4) or (5).

## **Production etc of documents**

**68.**—(1) This rule applies in relation to the following documents when in the custody of the registration officer (having been forwarded under rule 67)—

- (a) rejected and counted ballot papers;
- (b) sealed packets containing completed corresponding number lists;
- (c) sealed packets containing certificates surrendered by constables or staff of returning officers under rule 38(4) or (5).

(2) A county court may make any of the following orders, if satisfied by evidence on oath that the order is required either for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an election petition—

- (a) an order for the inspection or production of any of the rejected ballot papers (including any ballot papers rejected in part);
- (b) an order for the inspection of any of the counted ballot papers;
- (c) an order for the opening of any of the sealed packets containing—
  - (i) completed corresponding number lists, or
  - (ii) certificates surrendered by constables or staff of returning officers under rule 38(4) or (5);
- (d) where an order for the opening of any of the sealed packets is made under sub-paragraph (c), an order for the inspection or production of the whole or part of its contents.

(3) An election court may make—

- (a) an order for the inspection of any of the counted ballot papers;
- (b) an order for the opening of any of the sealed packets containing—
  - (i) completed corresponding number lists, or
  - (ii) certificates surrendered by constables or staff of returning officers under rule 38(4) or (5);
- (c) where an order for the opening of any of the sealed packets is made under sub-paragraph (b), an order for the inspection or production of the whole or part of its contents.

(4) An order under this rule may be made subject to such of the following conditions as the court thinks appropriate—

- (a) conditions as to persons;
- (b) conditions as to time;

(c) conditions as to the place and method of inspection;

(d) conditions as to production or opening.

(5) A court, in making an order under this rule for the inspection of counted ballot papers or for the opening of a sealed packet, must impose such conditions under paragraph (4) as the court considers appropriate to ensure that the way in which an elector has given their vote is not disclosed unless and until it has been proved—

(a) that the elector has given their vote, and

(b) that the vote has been declared by a competent court to be invalid.

(6) Any person giving effect to an order under this rule for the inspection of counted ballot papers or for the opening of a sealed packet must take care to ensure that the way in which an elector has given their vote is not disclosed unless and until it has been proved—

(a) that the elector has given their vote, and

(b) that the vote has been declared by a competent court to be invalid.

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

(8) The powers of a county court under this rule may be exercised by any judge of the court otherwise than in open court.

(9) Except as provided by this rule, no person may—

(a) inspect any of the rejected or counted ballot papers;

(b) open any of the sealed packets containing—

(i) completed corresponding number lists, or

(ii) certificates surrendered by constables or staff of returning officers under rule 38(4) or (5).

#### **Orders for the production etc of documents: supplemental provision**

**69.**—(1) Paragraphs (2) and (3) apply where an order is made under rule 68 for the production by a registration officer of a document in the registration officer's custody relating to an election specified in the order.

(2) The production by the registration officer or the registration officer's agent of the document in the manner directed by the order is conclusive evidence that the document relates to the specified election.

(3) If a packet of ballot papers with an endorsement on the packet is produced by the registration officer or the registration officer's agent to comply with the order, the endorsement is prima facie evidence that the

ballot papers are what they are stated to be by the endorsement.

(4) Paragraph (5) applies where, to comply with an order under rule 68, a registration officer or a registration officer's agent has produced—

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

(5) The production of the ballot paper and the list are prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry at the time of the election in the register of electors, or on a notice issued under section 13B(3B) or (3D) of the 1983 Act, contained the same number as the number written on the ballot paper.

#### **Retention and destruction of documents forwarded to registration officer**

**70.**—(1) The registration officer must retain all documents forwarded under rule 67 for a period of one year beginning with the day on which they were received by the registration officer.

(2) At the end of that period of one year, the registration officer must cause the documents to be destroyed unless otherwise directed by an order of a county court, a Crown Court, a magistrates' court or an election court.

#### **Destruction of nomination papers etc by returning officer**

**71.**—(1) The returning officer must destroy each candidate's nomination paper and home address form—

- (a) on the next day following the 35<sup>th</sup> day after the returning officer has returned the names of the councillors elected, unless an election petition questioning the election or the return of candidates is presented before that day;
- (b) if an election petition questioning the election or return of councillors is presented before that day, as soon as practicable following the conclusion of proceedings on the petition (including, where there is an appeal, the proceedings on the appeal).

(2) For the purpose of deciding the day on which candidates' nomination papers and home address forms must be destroyed, any day that is an excluded day must be disregarded.

## PART 6

### Death of Candidate

#### **Countermand or abandonment of poll on death of a candidate**

72.—(1) This rule applies where, at a contested election, the returning officer is satisfied before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot papers has died.

(2) The returning officer must countermand notice of the poll or, if polling has begun, the returning officer must direct that the poll be abandoned and no further ballot papers may be issued.

(3) The countermanding of the poll or a direction that it be abandoned does not affect the poll at any relevant election.

(4) At the close of the poll at each relevant election, the presiding officer at any polling station in use at the election must take the steps (so far as not already taken) that the presiding officer would be required to take under rule 52 had the poll at the principal area election not been abandoned, except that it is not necessary for the presiding officer to prepare a ballot paper account.

(5) Where the returning officer is the co-ordinating returning officer, the returning officer must take the steps (so far as not already taken) that the returning officer would be required to take under Part 4, except that—

- (a) the returning officer must not proceed with counting any ballot papers or votes relating to the abandoned poll, and
- (b) it is not necessary to verify any ballot paper account relating to that poll.

(6) Where the returning officer is not the co-ordinating returning officer, the returning officer—

- (a) must receive any ballot papers or other documents relating to the abandoned poll that may be delivered by or on behalf of the co-ordinating returning officer, but
- (b) must not otherwise proceed with any step under Part 4 relating to the abandoned poll.

(7) The returning officer must take the same steps as the returning officer would be required to take under rules 66 and 67 on the completion of the counting of votes (had the poll not been abandoned), except that—

- (a) the returning officer must seal up all the ballot papers (whether the votes on them have been counted or not), and

(b) it is not necessary to seal up counted and rejected ballot papers in separate packets.

(8) The provisions of rules 68 to 70 apply to ballot papers and other documents relating to a poll that is abandoned by reason of a candidate's death, except that—

(a) ballot papers on which the votes were neither counted nor rejected are to be treated as counted ballot papers, and

(b) an order may be made under rule 68(2) or (3) only for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(9) For what happens after notice of a poll is countermanded or a poll is abandoned, see section 39 of the 1983 Act.

## APPENDICES

### Appendix 1

#### Rule 5(1)

<b>Form of nomination paper</b>
<b>Section 1: Details of election</b>  Election of councillors to the [insert name of the county or county borough council]  Electoral ward:  Date of election (see note 1):
<b>Section 2: Candidate's names</b> Candidate's surnames: Candidate's forenames: Candidate's commonly used surnames (see note 2 below): Candidate's commonly used forenames (see note 2 below):
<b>Section 3: Description (if any)</b> (see note 3 below)
<b>Section 4: Candidate's statement of party membership</b> (see note 4 below) Have you been a member of any registered political party at any time during the period of 12 months ending with the day on which you deliver this nomination paper? Yes/No If you have answered "Yes", complete the table below in relation to each registered political party of which you have been a member at any time during that period. Add further rows if necessary. You must complete the table even if the registered political party has ceased to exist. It is not necessary to complete the table if you have included a permitted party description in section 3 of this form and you have not been a member of any registered

political party during the 12 months period other than the party or parties to which the description relates.

Registered name or names of each registered political party	The times during the 12 months period when you were a member

**Section 5: Declarations** (see note 5)

Complete and sign the following declarations.

I declare that I am qualified on the day on which I complete this nomination paper, and that I will be qualified on the day of election, to be elected as councillor for the [insert name] electoral ward on the basis that I am on the day on which I complete this nomination paper, and will be on the day of election, a qualifying Commonwealth citizen, a citizen of the Republic of Ireland, a relevant citizen of the Union or a qualifying foreign citizen who has attained the age of 18 years and that—\*

(a) I am registered as a local government elector for the area of [insert the name of the county or county borough] on the day on which I complete this nomination paper and will continue to be on the day of election;

(b) I have occupied as owner or tenant land or other premises in the area of [insert the name of the county or county borough] during the whole of the period of 12 months preceding the day on which I complete this nomination paper and I will have occupied as owner or tenant land or other premises in that area during the whole of the period of 12 months preceding the day of election;

(c) my principal or only place of work during the period of 12 months preceding the day on which I complete this nomination paper has been in the area of [insert the name of the county or county borough] and my principal or only place of work during the 12 months preceding the day of election will have been in that area;

(d) I have resided in the area of [insert the name of the county or county borough] during the whole of the period of 12 months preceding the day on which I complete this nomination paper and I will have resided in that area during the whole of the period of 12 months preceding the day of election.

\*Candidates should indicate which one or more of paragraphs (a) to (d) apply to them by ticking those that apply and putting a line through those that do not apply. I also declare that to the best of my knowledge and belief I am not disqualified from being elected as councillor for the [insert name] electoral ward by reason of any disqualification set out in section 80 of the Local Government Act 1972 or any decision made under section 79 of the Local Government Act 2000 and I do

not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

Candidate's signature to declarations:

Date of signature:

**Section 6: Candidate's signature to nomination paper and attestation by witness** (see note 6)

Declaration by witness

The witness must complete and sign the following declaration before attesting the candidate's signature.

I [insert name of witness] declare that I am an elector.

Signature of witness:

Date of signature:

Candidate's signature and attestation by witness

Candidate's signature:

Date of signature:

Signed in the presence of a witness:

Signature of witness:

**Notes to the form of nomination paper**

Note 1: The date to be given here is the date on which the poll is to take place.

Note 2: If a candidate commonly uses forenames or surnames that are different in any respect from the forenames or surnames that are given in the first part of section 2, the candidate's commonly used forenames or surnames may be given in the appropriate place in the second part of section 2 if the candidate so wishes. This includes (but is not limited to) cases where the difference is that the commonly used forenames or surnames are in a different order, include only some of the names or include additional names. Where commonly used forenames or surnames are given, those names will generally appear in the statement of persons nominated and on the ballot paper (instead of any other names). There are circumstances in which the returning officer may refuse to use the commonly used names and these are set out in rule 15 of Schedule 2 to the Local Elections (Principal Areas) (Wales) Rules 2021.

Note 3: The only descriptions that may be given are (a) a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under rule 6 of Schedule 2 to the Local Elections (Principal Areas) (Wales) Rules 2021 ("a permitted party description"), or (b) the word "Independent".

In certain circumstances, a candidate using a permitted party description may add the word "Wales", "Welsh", "Cymru" or "Cymreig" to the description. Those circumstances are set out in rule 7 of Schedule 2 to the Local Elections (Principal Areas) (Wales) Rules 2021.

Note 4: The requirements for statements of party membership are set out in rule 8 of Schedule 2 to the Local Elections (Principal Areas) (Wales) Rules 2021.

Note 5: The first declaration reflects the requirements set out in section 79 of the Local Government Act 1972. That section defines "qualifying Commonwealth citizen",

“relevant citizen of the Union” and “qualifying foreign citizen”.

Note 6: Under rule 5(5) of Schedule 2 to the Local Elections (Principal Areas) (Wales) Rules 2021 the nomination paper must be signed by the candidate in the presence of an elector who must attest the signature. “Elector” is defined in rule 5(7) as a person who is registered in the register of local government electors for the electoral ward in question on the last day for publication of the notice of election. However, it includes a person then shown in the register as below voting age only if it appears from the register that they will be of voting age on the day fixed for the poll and it does not include a person who has an anonymous entry.

## Appendix 2 Rule 23(3)

<b>Form of front of ballot paper</b>
<b>Election of councillors to [insert the name of the county or county borough council]</b>
Vote for <b>only one candidate</b> by putting a cross [x] in the box next to your choice. OR Vote for <b>no more than [insert number of candidates to be elected] candidates</b> by putting a cross [x] in the box next to each of your choices.*  *The returning officer must select the wording that is appropriate for the election.
<b>JAMES, Lisa</b> 6 Y Stryd, Y Dre CY36 4EZ <b>Promotion of Ethics in Local Government Party</b>
<b>THOMAS, Gareth</b> Iceland <b>Electoral Law Improvement Party</b>
<b>THOMAS RICHARDS, Angharad</b> The County of Hafod <b>Good Law Party</b>
<b>WYATT, Cath</b> The County of Cornwall <b>Efficiency Party</b>

### Form of back of ballot paper

Number:

Other unique identifying mark:

Election for the [insert name] electoral ward of the [insert name of the county or county borough council] on [insert date of poll]

**Form of Directions as to Printing the Ballot Paper**

1. Nothing may be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the directions set out in paragraphs 3 to 13 must be followed in the printing of the ballot paper.
3. No word may be printed on the front of the ballot paper except:
  - (a) the heading “Election of councillors to [insert the name of the county or county borough council]”;
  - (b) the direction “Vote for only one candidate by putting a cross [x] in the box next to your choice” or, where more than one candidate is to be elected, “Vote for no more than [insert the number of candidates to be elected] by putting a cross [x] in the box next to each of your choices”;
  - (c) the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated;
  - (d) words forming part of any emblem to be included against the candidate’s particulars.
4. A box must be printed around the heading referred to in paragraph 3(a) and the direction referred to in paragraph 3(b), and the heading and direction must be separated within the box by a horizontal line extending across it.
5. No line may be printed on the front of the ballot paper except:
  - (a) as part of the box referred to in paragraph 4;
  - (b) the horizontal line referred to in that paragraph;
  - (c) a horizontal line above the particulars of the first candidate;
  - (d) horizontal lines separating the particulars of each candidate from the particulars of the other candidates;
  - (e) a horizontal line below the particulars of the last candidate; and
  - (f) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal lines referred to in paragraph 5(c), (d) and (e) must be equally spaced and the space between each of them must be a minimum of 2.5 centimetres.
7. The boxes referred to in paragraph 5(f) must not touch any horizontal line and each one must be equidistant between the horizontal line above it and the horizontal line below it.

8. Each of the horizontal lines referred to in paragraph 5(c) and (d) must extend from a point level with the text on the left-hand side of the page to a point directly above the centre of the box below that line.

9. The horizontal line referred to in paragraph 5(e) must:  
(a) extend from a point level with the text on the left-hand side of the page to a point directly below the right-hand edge of the box above that line; and  
(b) be thicker than the other horizontal lines.

10. Where a registered emblem is to be printed against a candidate's particulars:  
(a) it must be printed adjacent to and to the right of the candidate's particulars; and  
(b) its size as printed must not exceed 2 centimetres square.

11. All the words on the front of the ballot paper must appear in the same large type except that:  
(a) the heading referred to in paragraph 3(a) must appear in very large and bold type;  
(b) in the direction referred to in paragraph 3(b), the words "only one candidate" or, as the case may be, "no more than [insert the number of candidates to be elected] candidates" must appear in very large and bold type;  
(c) the remainder of that direction must appear in very large type; and  
(d) the names of the candidates and the descriptions (if any) must appear in bold type.

12. The surnames of each candidate must appear in capitals and the candidate's other names and any description must be in lower case with initial capitals.

13. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.

### Appendix 3 Rule 24

<b>Corresponding Number List</b>	
Corresponding Number List: Part 1 (to be completed in respect of ballot papers to be issued to postal voters)	
Electoral ward:	
Date of poll:	
Sheet no:	
<b>Ballot Paper Number</b> Identify the number issued for each election	<b>Unique Identifying Mark</b> Identify the mark for each ballot paper
<input type="text"/>	<input type="text"/>


Corresponding Number List: Part 2  
 (to be completed in respect of ballot papers to be provided at polling stations)  
 Electoral ward:  
 Date of poll:  
 Polling station:  
 Sheet no:

<b>Ballot Paper Number</b> Identify the number issued for each election	<b>Elector Number</b>

**Appendix 4**  
**Rule 29(1)**

**Form of Postal Voting Statement (for use where there is a joint issue and receipt of postal ballot papers)**  
 Voter's name:  
 Ballot paper Nos:  
 (The returning officer must omit the name where the ballot papers are sent or delivered to an elector with anonymous entry in the register.)

Please read the instructions at the end before completing this form and the ballot paper.

**I AM THE PERSON THE BALLOT PAPERS NUMBERED ABOVE WERE SENT OR DELIVERED TO:**

Voter's date of birth (in the format dd/mm/yyyy):

\*Signature:

(Keep signature within border)

\* The returning officer must omit the requirement for a signature where the person has been granted a waiver.

**Warning: Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper. It is illegal to vote more than once (unless you are appointed as proxy for another elector) at the same election.**

**Instructions on marking the ballot papers and completing the postal voting statement**

1. You have been supplied with two ballot papers. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of county or county borough council]. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of community council].

2. When you are voting at the election of councillors to the [insert name of county or county borough council], mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name of the candidate(s) you are voting for. Do not mark your ballot paper in any other way or your vote(s) may not be counted.

Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates. (The returning officer must select the wording that is appropriate for the election.)

3. When you are voting at the election of councillors to the [insert name of community council], mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name of the candidate(s) you are voting for. Do not mark your ballot paper in any other way or your vote(s) may not be counted.

Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates. (The returning officer must select the wording that is appropriate for the election.)

3. If you need help voting, the person helping you must not tell anyone how you voted.

4. Put the ballot papers in the small envelope marked **A** and seal it.

5. Complete the postal voting statement by signing it and providing your date of birth. If you do not, the postal voting statement will be invalid and your votes will not be counted. Note that it is your **date of birth** that is required, not the date on which you sign the statement.\*

\*Complete the postal voting statement by providing your date of birth. If you do not, the postal voting statement

will be invalid and your vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you complete the postal voting statement.

6. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. It is preferable to return it straightaway.

**7. After receiving the postal vote, you cannot vote in person at a polling station at the elections.**

8. If you accidentally spoil any of your ballot papers, you can apply to the returning officer for a replacement before 5 pm on [insert the date of the poll]. You must return all the ballot papers, the postal voting statement and the envelopes marked A and B. Make sure you contact the Returning Officer as soon as possible. [Returning officer to provide details for assistance.]

9. Your ballot papers and the postal voting statement must be—

- (a) sent by post to the returning officer in sufficient time for it to be received by the returning officer before 10 pm on [insert the date of the poll];
- (b) given by hand to the returning officer before 10 pm on [insert the date of the poll]; or
- (c) handed in on [insert date of the poll] at any polling station in the appropriate area before 10 pm.

The appropriate area referred to in paragraph (c) is [returning officer to insert a description of the appropriate area].

**Form of Postal Voting Statement (for use where polls are combined but the issue and receipt of postal ballot papers is not combined)**

Voter's name:

Ballot Paper No:      Colour:

(The returning officer must omit the name where the ballot papers are sent or delivered to an elector with anonymous entry in the register.)

Please read the instructions at the end before completing this form and the ballot paper.

I AM THE PERSON THE BALLOT PAPER  
NUMBERED ABOVE WAS SENT OR DELIVERED  
TO.

Voter's date of birth (in the format dd/mm/yyyy):

Signature\*:

(Keep signature within border)

\*The returning officer must omit the requirement for a signature where the person has been granted a waiver.

**Warning: Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper. It is illegal to vote more than once (unless you are appointed as proxy for another elector) at the same election.**

**Instructions on the completion of the ballot paper and postal voting statement**

1. The poll at the election of councillors to the [insert name of county or county borough council] has been combined with the poll at the election of councillors to the [insert name of community council]. You have chosen to vote by post. You have been sent two ballot papers. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of county or county borough council]. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of community council]. Each ballot paper has its own ballot paper envelope (marked **A**), postal voting statement and return envelope (marked **B**). You may find it helpful to sort the documents into separate sets.

These instructions relate to the ballot paper coloured [ ] for use at the election of councillors to the [insert name of county or county borough council] and postal voting statement relating to that ballot paper]

2. Mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name of the candidate(s) you are voting for. Do not mark your ballot paper in any other way or your vote(s) may not be counted.

Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates. (The returning officer must select the wording that is appropriate for the election.)

3. If you need help voting, the person helping you must not tell anyone how you voted.

4. Put the ballot paper in the small envelope marked **A** and seal it.

5. Complete the postal voting statement by signing it and providing your date of birth. If you do not, the postal voting statement will be invalid and your votes will not be counted. Note that it is your **date of birth** that is required, not the date on which you sign the statement.\*

\*Where the requirement for a signature has been waived, the returning officer must change this instruction so that it reads:

5. Complete the postal voting statement by providing

your date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you complete the postal voting statement.

6. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. It is preferable to return it straightaway.

**7. After receiving the postal vote, you cannot vote in person at a polling station at the elections.**

8. If you accidentally spoil your ballot paper, you can apply to the returning officer for a replacement before 5 pm on [insert the date of the poll]. You must return the ballot paper, the postal voting statement and the envelopes marked A and B. Make sure you contact the Returning Officer as soon as possible. [Returning officer to provide contact details for assistance.]

9. Your ballot paper and the postal voting statement must be—

- (a) sent by post to the returning officer in sufficient time for it to be received by the returning officer before 10 pm on [insert the date of the poll];
- (b) given by hand to the returning officer before 10 pm on [insert the date of the poll]; or
- (c) handed in on [insert date of the poll] at any polling station in the appropriate area before 10 pm.

The appropriate area referred to in paragraph (c) is [returning officer to insert a description of the area.]

**Appendix 5  
Rule 32(4)**

**Poll Cards**

Where a decision is made to combine poll cards (see rule 32(7)), the poll cards shown in this Appendix may be adapted.

**Official Poll Card (to be sent or delivered to an elector voting in person)**

Front of card

<b>Official Poll Card</b>	
Council: Electoral ward: Polling Day: Polling Hours: 7 am to 10 pm Your polling station will be:	Number on register: *Name: *Address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or

	delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.
--	---

**\*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk there.**

See further information on the back of this card.

Back of card

<p>Local Government Election</p> <p>*When you go to the polling station, tell the clerk your name and address, as shown on the front of this card.</p> <p>*The clerk will confirm your details on the register.</p> <p>When you are given your ballot paper, go to one of the polling booths. Mark a cross (x) in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.</p> <p><b>Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.</b> (The returning officer must select the wording that is appropriate for the election.)</p> <p><b>Do not put any other mark on the back of the ballot paper or your vote may not be counted.</b></p> <p>If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p> <p>When you have marked the ballot paper, fold it in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.</p> <p>If you will be away on the date of the poll, there are other ways of voting.</p> <p>(1) You can apply to vote by post. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a postal vote, you will not be entitled to vote in person at this election.</p> <p>(2) You can apply to vote by proxy (this means someone can vote on your behalf). Your application must normally be received before 5pm on [insert the deadline date]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you.</p> <p>In certain circumstances it may be possible to apply to vote by proxy after [insert the deadline date].</p> <p>If you want to vote by post or proxy, please contact [insert helpline number] as soon as possible.</p> <p>Issued by the returning officer</p>
--

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**You must have this card with you when you vote. You cannot vote without it.**

**When you go to the polling station, ask to speak to the presiding officer and show them this card.**

**The presiding officer will confirm your entry on the register.**

---

**Official Postal Poll Card (to be sent or delivered to an elector voting by post)**

Front of card

**Official Postal Poll Card**

Council: Electoral ward: For the election on: [insert date of poll] Number on register: *Name and address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.	This card is to tell you that you have asked to vote by post for this election, and you will not be able to vote in person in a polling station. If you want to cancel your postal vote please call the helpline number [insert helpline number] before 5 pm on [insert deadline date]. <b>We will send or deliver your postal voting papers around [ ], addressed to [insert name and address]. If your postal voting papers have not arrived by [insert date], call [insert helpline number] and ask for help.</b>
---	---

If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5pm on [insert date of poll.]

**This card is to provide you with information about voting by post.**

See further information on the back of this card.

Back of card

Local Government Election

When you receive your postal voting pack, please read

the instructions with it carefully when completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the returning officer by calling the helpline on [insert helpline number].

You must **sign** the postal voting statement and **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your signature and date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your signature and date of birth against other records that they hold.\*

\*Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead.

You must **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].

It is preferable to complete and return your postal vote as soon as possible. The returning officer must receive your postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll].

You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the electoral ward before 10 pm.

If you want to vote in person at the elections, you must cancel your postal vote before 5 pm on [insert deadline].

If you need any assistance, please call the helpline on [ ].

**It is an offence to vote using a ballot paper that was not addressed to you.**

Issued by the returning officer

**Official Proxy Poll Card (to be sent or delivered to a proxy voting in person)**

Front of card

<b>Official Proxy Poll Card</b>	
Council: Electoral ward: Polling Day: Polling Hours: 7 am to 10 pm Your polling station will be:	*This poll card is to tell you that for this election the elector named on the back of this card has appointed you as their proxy. *Proxy's name: *Proxy's address: *Note: This section is to be omitted where the poll card is sent or delivered to the proxy of an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.
<b>*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk there.</b>	
See further information on the back of this card.	

Back of card

Local Government Election *This poll card is to tell you that for this election you are appointed as proxy for: *[Insert elector's name] *[Insert elector's address] *[Insert elector's number on register]  *When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the elector shown above. *The clerk will confirm the details on the register.  When you are given the ballot paper, go to one of the polling booths. Mark a cross (x) in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) the elector is voting for.  <b>Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.</b> (The returning officer must select the wording that is appropriate for the election.)  <b>Do not put any other mark on the back of the ballot paper or the vote may not be counted.</b>  If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.
---

When you have marked the ballot paper, fold it in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

The person who appointed you as proxy may vote at this election. If they wish to do so, they must vote in person before you vote on their behalf.

If you will be away on the date of the poll, you can apply to vote by post as proxy. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a proxy postal vote, neither you (on the elector's behalf) nor the elector will be entitled to vote in person at this election.

**It is illegal to do any of the following—**

Vote more than once (unless you are appointed as proxy for another elector) at the same election.

Vote as proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Vote as proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on [ ].

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**You must have this card with you when you vote. You cannot vote as proxy without it.**

You are entitled to vote as proxy for the elector whose electoral number is shown below.

(Elector's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card. The clerk will confirm the details on the register.

Official Proxy Postal Poll Card (to be sent or delivered to a proxy voting by post)

Front of card

**Official Proxy Postal Poll Card**

Council:	This poll card is to tell you that for this election the elector named on the
Electoral ward:	
For the election on:	

<p>[insert date of poll]: Proxy's name and address:</p>	<p>back of this card has appointed you as their proxy and you have decided to vote by post. <b>You will not be able to vote on behalf of the elector in a polling station.</b> If you want to cancel this postal vote and vote in person on polling day, please call the helpline shown below before 5pm on [insert date of deadline]. <b>We will send or deliver the proxy postal voting papers around [insert date ].</b> <b>If the proxy postal voting papers have not arrived by [insert date], please call [insert helpline number] and ask for help.</b></p>
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If you lose or accidentally spoil the elector's postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 pm on [insert date of the poll].

**This card is to provide you with information about voting by post as proxy.**

See further information on the back of this card.

Back of card

<p>Local Government Election *<b>This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post:</b> *[Insert elector's name] *[Insert elector's address]</p> <p>When you receive your postal voting pack, please read the instructions with it carefully when completing your postal ballot paper.</p> <p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the returning officer by calling the helpline on [insert helpline number].</p> <p>You must <b>sign</b> the postal voting statement and <b>provide your date of birth</b>. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The returning officer can cross-check</p>
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your signature and date of birth against other records that they hold.\*

\*Where the requirement for a signature has been waived, the returning officer must include the following statement instead.

You must **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].

It is preferable to complete and return the postal vote as soon as possible. The returning officer must receive the postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll].

You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the electoral ward before 10 pm.

If you want to vote in person as proxy at the election, you must cancel your postal vote before 5 pm on [insert deadline].

**It is illegal to do any of the following—**

Vote more than once (unless you are appointed as proxy for another elector) at the same election

Vote as proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild

Vote as proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on [ ].  
Issued by the returning officer

Alternative text where the elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry, substitute for the paragraphs above marked with an asterisk the following paragraphs:

**This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote**

**by post.**

You are entitled to vote as proxy for the elector whose electoral number is shown below:  
(Insert elector's number on register)

**Appendix 6**

**Rule 33(11)**

**Guidance for Voters at Combined Polls**

1. When you are given your ballot papers, go to one of the polling booths.
2. You have been supplied with two ballot papers. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of county or county borough council]. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of community council].
3. At the election of councillors for the county or county borough council, mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.  
Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.\*  
Put no other mark on the ballot paper or your vote(s) may not be counted.
4. At the election of councillors for the community council, mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.  
Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.\*  
Put no other mark on the ballot paper or your vote(s) may not be counted.
5. Fold each of the ballot papers in two.
6. Show the presiding officer the number and other unique identifying mark on the back of the ballot papers but do not let anyone see your votes.
7. Put each ballot paper in the appropriate ballot box OR Put the ballot papers in the ballot box.\* Then, leave the polling station.
8. If you spoil any of your ballot papers by mistake, show it to the presiding officer and ask for a replacement.

\* The returning officer must choose whichever direction

is appropriate for the election. The first alternative is appropriate where separate ballot boxes are used for each election. The second alternative is appropriate where the same ballot box is being used for each.

**Appendix 7**  
**Rule 38(4), (5)**

**Form of certificate as to duties**

Election in the [insert name] electoral ward of [insert name of the county or county borough in respect of which the election is held]

Election in the [insert name] electoral area of [insert name of the community in respect of which the election is held]\*

If the certificate is issued in respect of only one of the elections, the form may be adapted accordingly.

I certify that [insert name] whose number in the register of electors for the electoral ward named above is [insert number in the register] cannot reasonably be expected to go in person to the polling station allotted to them at the elections described above on [insert date of the poll] because of the circumstances of their duties on that day for a purpose connected with the elections.

Appropriate signature:

Date:

The appropriate signature is the signature of the returning officer where the person named is a member of the returning officer's staff and the signature of a police officer of the rank of Inspector or above where the person named is a constable, community support officer or community support volunteer.

*Note:* The person named is entitled to vote at any polling station in use for the elections on production and surrender of the certificate to the presiding officer.

**Appendix 8**  
**Rule 45(7)**

**Form of declaration to be made by the companion of a voter with disabilities**

This form shows both the declaration to be used at an election of councillors for a county or county borough and the declaration to be used at an election of councillors for a community. Separate forms may be used for each declaration instead.

I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted], whose number on the register is

[insert number of voter being assisted]\*, to give their vote at the election of councillors for the [insert name of county or county borough council] now being held in this electoral ward hereby declare that—

I am entitled to vote as an elector at the election (see note 1), OR

I am the [insert relationship of the companion to the voter] of the voter and have attained the age of 16 (see note 1)

I have not previously assisted any voter with disabilities to vote except [insert the name and address of any other voter who has been assisted by the companion to vote at the election] (see note 2).

Signed by companion:

Date:

I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted], whose number on the register is [insert number of voter being assisted]\*, to give their vote at the election of councillors for the [insert name of community council] now being held in this electoral ward hereby declare that\*—

I am entitled to vote as an elector at the election (see note 1), OR

I am the [insert relationship of the companion to the voter] of the voter and have attained the age of 16 (see note 1)

I have not previously assisted any voter with disabilities to vote except [insert the name and address of any other voter who has been assisted by the companion to vote at the election] (see note 2).

Signed by companion:

Date:

\*If the companion is asked to assist a voter with disabilities voting as proxy the opening words of the declaration must instead be “I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted] who is voting as proxy for [insert name of elector], whose number on the register is [insert number of elector]”

I, the undersigned, being the presiding officer for [insert name of polling station] hereby certify that the above declaration was read to the companion and was signed by the companion in my presence.

Signed by presiding officer:

Date:  
Time:

**Notes to the form of declaration to be made by the companion of a voter with disabilities**

1. The companion is eligible to assist the voter at the election if the companion is either (a) entitled to vote as an elector at that election, or (b) is a relative of the voter and has attained the age of 16 (see rule 45(5)). A person is a “relative” of the voter if they are the grandparent, parent, brother, sister, spouse, civil partner, child or grandchild of the voter.
2. The companion may have assisted one (and only one) other person to vote at the election.
3. A voter with disabilities is a voter who has made a declaration under rule 45(2) that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.
4. *A person who, in making the declaration set out in this form, knowingly and wilfully makes a statement that is false in a material particular is guilty of an offence.*

**SCHEDULE 3**

Rule 5

**Consequential Amendments**

*Draft Rules laid before Senedd Cymru under section 36A(10) of the Representation of the People Act 1983, for approval by resolution of Senedd Cymru*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

---

**2021 No. (W.)**

**CONSTITUTIONAL LAW**

**REPRESENTATION OF THE  
PEOPLE, WALES**

The Local Elections (Communities)  
(Wales) Rules 2021

**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

*Draft Rules laid before Senedd Cymru under section 36A(10) of the Representation of the People Act 1983, for approval by resolution of Senedd Cymru*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2021 No. (W.)**

**CONSTITUTIONAL LAW**

**REPRESENTATION OF THE  
PEOPLE, WALES**

**The Local Elections (Communities)  
(Wales) Rules 2021**

*Made*

\*\*\*

*Coming into force in accordance with rule 1(2)*

The Welsh Ministers, in exercise of the powers conferred by section 89(6) of the Local Government Act 1972(1) and sections 36A(1), (3) to (6) and (9) and 187(1) of the Representation of the People Act 1983(2), make the following Rules.

In accordance with section 36A(7) of the Representation of the People Act 1983, the Welsh Ministers have consulted such persons as they considered appropriate.

In accordance with section 36A(10) of the Representation of the People Act 1983, a draft of this instrument has been laid before and approved by a resolution of Senedd Cymru.

**Title and commencement**

**1.—(1)** The title of these Rules is the Local Elections (Communities) (Wales) Rules 2021.

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- (1) 1972 c. 70. Section 89(6) was amended by paragraph 1(6) of Schedule 2 to the Local Government and Elections (Wales) Act 2021 (asc 1).
- (2) c. 2. Section 36A was inserted by section 13(3) of the Local Government and Elections (Wales) Act 2021. Section 187(1) was amended by paragraph 2(16) of Schedule 2 to that Act.

(2) These Rules come into force on the day after the day on which they are made.

### **Transitional provision**

2. The coming into force of these Rules does not affect the conduct of an election of councillors for a community council if, in the event of the election being contested, the poll would take place before 5 May 2022.

### **Interpretation**

3.—(1) In these Rules—

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

“the Combination of Polls Regulations” (“*y Rheoliadau Cyfuno Etholiadau*”) means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004<sup>(1)</sup>;

“excluded day” (“*diwrnod eithriedig*”) means a day that is—

- (a) a Saturday;
- (b) a Sunday;
- (c) Christmas Eve;
- (d) Christmas Day;
- (e) Good Friday;
- (f) a day that is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971<sup>(2)</sup>;

“home address information” (“*gwybodaeth am gyfeiriad cartref*”) in relation to a person nominated—

- (a) in Schedule 1, has the meaning given by rule 13(3) of that Schedule, and
- (b) in Schedule 2, has the meaning given by rule 13(3) of that Schedule.

(2) An election is a “relevant election” if it is one of the following elections and the poll at the election is taken together with the poll at an election of councillors for a community council—

- (a) a parliamentary election;
- (b) an election of councillors for a county council or county borough council;
- (c) a mayoral election, that is, an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007<sup>(3)</sup>;

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(1) S.I. 2004/294.

(2) c. 80.

(3) S.I. 2007/1024.

(d) a police and crime commissioner election, that is, an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011<sup>(1)</sup>.

(3) Unless otherwise indicated, the following words and expressions have the same meaning as in the 1983 Act (see sections 202(1) and 203(1) of that Act)—

“anonymous entry” (“*eitem ddiennw*”);

“disability” (“*anabledd*”);

“election court” (“*llys etholiadau*”);

“election petition” (“*deiseb etholiad*”);

“elector” (“*etholwr*”);

“electoral area” (“*ardal etholiadol*”);

“list of proxies” (“*rhestr o ddirprwyon*”);

“postal voters list” (“*rhestr o bleidleiswyr drwy’r post*”);

“proxy postal voters list” (“*rhestr o bleidleiswyr drwy’r post fel dirprwyon*”);

“proper officer” (“*swyddog priodol*”);

“record of anonymous entries” (“*cofnod o eitemau diennw*”);

“voter” (“*pleidleisiwr*”).

#### **Conduct of elections to a community council**

**4.**—(1) Schedule 1 sets out the rules that apply to the conduct of an election of councillors for a community council where the poll at the election is not taken together with the poll at another election.

(2) References in the rules in Schedule 1 to the returning officer are references to the returning officer at the election of councillors for a community council.

(3) Schedule 2 sets out the rules that apply to the conduct of an election of councillors for a community council where the poll at the election is taken together with the poll at a relevant election.

(4) References in the rules in Schedule 2 to the co-ordinating returning officer are references to the returning officer who, under regulation 4 of the Combination of Polls Regulations, is responsible for discharging functions specified in regulation 5 of those Regulations.

(5) References in the rules in Schedule 2 to the returning officer are references to the returning officer at the election of councillors for a community council (whether or not that person is also the co-ordinating returning officer), unless a particular rule otherwise provides.

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(1) c. 13.

(6) Where a rule in Schedule 1 or 2 requires the returning officer to publish a document, the document must be published—

- (a) online, and
- (b) in such other way as the returning officer considers appropriate for bringing the contents of the document to the attention of the public.

(7) Where a rule in Schedule 1 or 2 requires or authorises a notice to be given, the notice may be—

- (a) sent by post,
- (b) sent electronically, or
- (c) delivered personally.

### **Filling of casual vacancies**

**5.**—(1) This rule applies where public notice of a casual vacancy in the office of community councillor is given in accordance with section 87(2) of the Local Government Act 1972.

(2) A request for an election to fill the vacancy may be made before the end of the period of 14 days beginning the day after public notice of the vacancy is given.

(3) Any such request must be made by ten electors to the proper officer of the council of the county or county borough in which the community is situated.

(4) Where a request is made, an election to fill the casual vacancy must be held unless the vacancy occurred during the councillor's final six months (as to which see paragraph (11)).

(5) Where an election is required, it must be held on a day appointed by the returning officer, which must be before the end of the period of 60 days beginning with the day on which public notice of the vacancy is given.

(6) Where an election is not required—

- (a) if the vacancy occurred during the councillor's final six months, the community council may co-opt a person to fill the vacancy;
- (b) otherwise, the community council must co-opt a person to fill the vacancy.

(7) Where the community council decides or is required to co-opt a person, this must be done as soon as practicable after the end of the period of 14 days beginning the day after public notice of the vacancy is given.

(8) Where a vacancy is not filled by an election or co-opting a person, it must be filled at the next ordinary election of councillors for the community.

(9) In paragraph (3), "elector" means a person who, on the day on which the request is made, is registered in the register of local government electors for the electoral area in which the vacancy has occurred, other than a

person who is not of voting age on that day or who has an anonymous entry.

(10) In calculating the period of 14 days mentioned in paragraphs (2) and (7), and the period of 60 days mentioned in paragraph (5), any day that is an excluded day is to be disregarded.

(11) References in this rule to a councillor's final six months are to the period of six months ending with the expected day of the next ordinary election of councillors for the community.

### **Modifications of the 1983 Act**

**6.**—(1) The provisions of the 1983 Act referred to in section 187(1) of that Act (provisions applying at certain local elections) apply to an election of community councillors with the modification that any reference to the proper officer of the authority is to be read as a reference to the returning officer.

(2) Section 136(2)(b) of the 1983 Act (amount of security of costs on election petition) applies to an election of community councillors with the modification that the reference to “£2,500” is to be read as a reference to “£1,500”.

### **Form of election expenses**

**7.** A declaration as to election expenses at an election of community councillors must be in the form in Schedule 3 to these Rules or a form to the like effect.

### **Consequential amendments**

**8.** Schedule 4 contains consequential amendments.

*Name*

Title of Minister, one of the Welsh Ministers

Date

# SCHEDULES

## SCHEDULE 1 Rule 4(1)

### Rules for Conduct of an Election of Councillors for a Community Council where Poll is Not Taken Together with Poll at Another Election

#### PART 1

##### Provisions as to Time

###### Timetable

1.—(1) The proceedings at the election must be conducted in accordance with the following timetable.

###### Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than 4 p.m. on the nineteenth day before the day of election
Delivery of notices of withdrawals of candidature	Not later than 4 p.m. on the nineteenth day before the day of election
Publication of statement as to persons nominated	Not later than 4 p.m. on the eighteenth day before the day of election
Notice of uncontested election Notice of poll in contested election	Not later than the sixth day before the day of election
Polling	Between the hours of 7 a.m. and 10 p.m. on the day of election

(2) In this rule, “the day of election” means the day specified in the notice of election as the day on which a poll would take place in the event of a contest.

###### Computation of time

2.—(1) An excluded day is to be disregarded in calculating any period set out in the second column of the timetable in rule 1.

(2) No proceedings under these rules up to the close of the poll may take place on an excluded day.

(3) The returning officer is not required to proceed with the counting of votes on an excluded day.

## PART 2

### Notice of Election, Nomination and Method of Election

#### Notice of Election

#### **Notice of election**

**3.**—(1) The returning officer must publish notice of the election.

(2) The notice must state—

- (a) the number of councillors to be returned for each electoral area,
- (b) the date of the poll in the event of a contest,
- (c) the place where, and the times at which, forms of nomination paper may be obtained, and
- (d) the place where, and the times at which, nomination papers may be delivered.

(3) The notice must also state the date by which applications to vote by post or by proxy, and other applications and notices about postal or proxy voting, must reach the registration officer in order to be effective for the election.

(4) [*The returning officer may also include in the notice either or both of the following statements—*

- (a) *a statement that forms of nomination paper may be obtained online, with information about how and when that may be done;*
- (b) *a statement that nomination papers may be delivered by being submitted online, with information about how and when that may be done.]*

#### Nomination

#### **Duty of returning officer to supply forms of nomination etc.**

**4.**—(1) At the place and times for obtaining forms of nomination paper set out in the notice of election, the returning officer must—

- (a) supply any person with as many forms of nomination paper as the person may require, and
- (b) on request, prepare a nomination paper for signature.

(2) *[If the notice of election states that forms of nomination paper may be obtained online, the returning officer must make arrangements for this in accordance with the information given in the notice.]*

(3) It is not, however, necessary for a nomination to be made on a form supplied by the returning officer *[or obtained online.]*

### **Nomination of candidates**

**5.—**(1) A candidate must nominate themselves using a nomination paper in the form in Appendix 1 or a form to the like effect.

(2) The nomination paper must be delivered to the place specified by the returning officer in the notice of election *[or, if the notice of election states that nomination papers may be delivered by being submitted online, by submission online in accordance with the information given in the notice.]*

(3) The nomination paper must—

- (a) state the candidate's full names, with the surnames placed first,
- (b) if the candidate wishes, include a description that complies with rule 6,
- (c) include a statement of party membership that complies with rule 8, and
- (d) include the declarations by the candidate set out in the form in Appendix 1.

(4) If a candidate commonly uses forenames or surnames that are different in any respect from the forenames or surnames stated in accordance with paragraph (3)(a) (including where the difference is that the commonly used forenames or surnames are in a different order, include only some of the names or include additional names), the nomination paper may also state the commonly used forenames or surnames.

(5) The nomination paper must be signed by the candidate in the presence of a witness who must attest the signature.

(6) The witness must be an elector and must complete a declaration set out in the form in Appendix 1.

(7) The nomination paper must be accompanied by a form ("a home address form") that complies with rule 9.

(8) In this rule, "elector" means a person who is registered in the register of local government electors for the electoral area in question on the last day for publication of the notice of election, except that—

- (a) it includes a person then shown in the register as below voting age only if it appears from the register that they will be of voting age on the day fixed for the poll, and
- (b) it does not include a person who has an anonymous entry in the register.

## Nomination papers: descriptions

6.—(1) This rule sets out requirements about the descriptions that may be included in a nomination paper as mentioned in rule 5(3)(b).

(2) The description may be either—

- (a) a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under paragraph (3) or (as the case may be) paragraph (4), or
- (b) the word “Independent”.

(3) A description that is likely to lead electors to associate the candidate with a registered political party is permitted where—

- (a) the party is a qualifying party,
- (b) the description is either—
  - (i) the party’s registered name or, if the party has registered a name in English and a name in Welsh, either or both of those names, or
  - (ii) a registered description of the party or, in the case of a description that has been registered in both English and Welsh, either or both of those descriptions, and
- (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of the party and received by the returning officer before the last time for the delivery of nomination papers.

(4) A description that is likely to lead electors to associate the candidate with two or more registered political parties is permitted where—

- (a) the parties are each qualifying parties,
- (b) the description consists of the registered name of each of the parties shown in either or both of the versions described in paragraph (5), and
- (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of each of the parties and received by the returning officer before the last time for the delivery of nomination papers.

(5) The versions referred to in paragraph (4)(b) are—

- (a) a version showing (in any order) the parties’ registered names, together with the addition of any appropriate conjunctions and punctuation in English (“the English version”);
- (b) a version showing (in any order) the parties’ registered names, together with the addition of

any appropriate conjunctions and punctuation in Welsh (“the Welsh version”).

(6) Where any of the parties has registered a name in English and a name in Welsh—

- (a) the party’s registered name in English (and not the party’s registered name in Welsh) may be used in the English version, and
- (b) the party’s registered name in Welsh (and not the party’s registered name in English) may be used in the Welsh version.

(7) See also rule 7 (which sets out when and how the word “Wales”, “Welsh”, “Cymru” or “Cymreig” may be added to descriptions permitted under paragraph (3) or (4)).

(8) A person is guilty of a corrupt practice if that person fraudulently purports to be authorised to issue a certificate under paragraph (3)(c) or (4)(c) on behalf of a registered political party’s nominating officer.

(9) In this rule—

- (a) references to a registered name of a registered political party are to a name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000<sup>(1)</sup>;
- (b) references to a registered description of a registered political party are to a description of the party registered under section 28A of that Act<sup>(2)</sup>.

(10) For the purposes of the application of this rule in relation to an election—

- (a) “registered political party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day that is two days before the last day for the delivery of nomination papers at the election (disregarding any excluded day);
- (b) a registered political party is a qualifying party if, on that day, the party is registered in respect of Wales in the Great Britain register maintained under Part 2 of that Act.

### **Addition of “Wales”, “Welsh”, “Cymru” or “Cymreig”**

7.—(1) This rule sets out when and how a candidate may make additions in a nomination paper to a description that the candidate is permitted to use under rule 6(3) or (4).

(2) Paragraph (3) applies where—

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(1) c. 41.  
(2) Section 28A was inserted by section 49(1) of the Electoral Administration Act 2006 (c. 22).

- (a) a registered name is or forms part of a description that a candidate is permitted to use under rule 6(3), and
  - (b) the registered name includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.
- (3) The candidate may do one of the following—
- (a) add the word “Wales” before the name;
  - (b) add the word “Welsh” before the name;
  - (c) add the word “Cymru” after the name;
  - (d) add the word “Cymreig” after the name.
- (4) Paragraph (5) applies where—
- (a) a registered name forms part of a description that a candidate is permitted to use under rule 6(4), and
  - (b) the registered name includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.
- (5) If the registered name is in the English version of the description (whether or not it is also in the Welsh version), the candidate may add either the word “Wales” or the word “Welsh” before the name in that version.
- (6) If the registered name is in the Welsh version of the description (whether or not it is also in the English version), the candidate may add either the word “Cymru” or the word “Cymreig” after the name in that version.
- (7) Paragraph (8) applies where—
- (a) a registered description is or forms part of a description that a candidate is permitted to use under rule 6(3), and
  - (b) the registered description includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.
- (8) The candidate may do one of the following—
- (a) add the word “Wales” at the beginning of the description;
  - (b) add the word “Welsh” at the beginning of the description;
  - (c) add the word “Cymru” at the end of the description;
  - (d) add the word “Cymreig” at the end of the description.
- (9) For the purposes of paragraphs (3)(a) and (b) and (5), where the word “the” (or any word in another language that has the same function as the word “the”) appears at the beginning of a registered name, it must be ignored.
- (10) Where a candidate adds anything to a description in a nomination paper in accordance with this rule, references in the following provisions of this Schedule to

the description are references to the description with the addition.

**Nomination papers: statements of party membership**

**8.**—(1) This rule sets out the requirements for statements of party membership that must be included in nomination papers as mentioned in rule 5(3)(c).

(2) The statement must state whether the candidate has been a member of any registered political party at any time during the relevant period.

(3) If the candidate has been a member of one or more registered political parties at any time during the relevant period, the statement must also include the following information in relation to the party or (as the case may be) each of the parties of which the candidate has been a member—

- (a) the party’s registered name or, where the party has two registered names, the party’s registered names, and
- (b) the times during the relevant period when the candidate has been a member of the party.

(4) Paragraph (3) does not apply where—

- (a) the nomination paper includes a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under rule 6(3) or (as the case may be) rule 6(4), and
- (b) the candidate has not at any time during the relevant period been a member of a registered political party other than the party or parties to which that description relates.

(5) A candidate who knowingly fails to include in the nomination paper a statement of party membership that complies with the requirements of this rule is guilty of a corrupt practice.

(6) In this rule—

- (a) “registered political party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 at any time during the relevant period when the candidate is a member;
- (b) references to a registered name of a registered political party are to a name of the party registered under section 28 of that Act;
- (c) “the relevant period” means the period of 12 months ending with the day on which the candidate’s nomination paper is delivered.

### Home address forms

9.—(1) This rule sets out the requirements for home address forms that must accompany nomination papers under rule 5(6).

(2) A home address form must state—

- (a) the candidate’s full names,
- (b) the candidate’s home address in full,
- (c) the candidate’s qualifying address or addresses, and
- (d) the qualification to which each qualifying address relates.

(3) The candidate’s qualifying address or addresses, and the qualification to which each qualifying address relates, depend on which one or more of options (a) to (d) on the nomination paper have been selected by the candidate, as set out in the following table.

<i>Option selected on nomination paper</i>	<i>Candidate’s qualifying address</i>	<i>Qualification to which candidate’s qualifying address relates</i>
Option (a)	The address in full in respect of which the candidate is registered as a local government elector	The qualification described in option (a) (registration as a local government elector for the area of the community)
Option (b)	A description and the address of the land or premises that the candidate has occupied as owner or tenant (or, if the candidate is relying on more than one occupation to meet the qualification, the descriptions and addresses)	The qualification described in option (b) (occupation as owner or tenant, of land or other premises in the community)
Option (c)	The address of the candidate’s place of work (or, if the candidate is relying on more	The qualification described in option (c) (principal or only place of

	than one place of work to meet the qualification, the addresses)	work in the community)
Option (d)	The address or addresses in full where the candidate has resided	The qualification described in option (d) (residence in the community or within 3 miles of it)

(4) If the candidate's nomination paper includes commonly used forenames or surnames, the home address form must also state the commonly used names.

(5) The home address form must also state—

- (a) the full names of the person who witnesses the candidate's signature on the nomination paper, and
- (b) that person's home address in full.

(6) The home address form may contain a statement made and signed by the candidate that the candidate's home address must not be made public.

(7) If the home address form contains such a statement, it must—

- (a) where the candidate's home address is in the United Kingdom, state the name of the relevant area (see paragraph (8));
- (b) where the candidate's home address is outside the United Kingdom, state the country in which it is situated.

(8) In this rule, "relevant area" means—

- (a) where the candidate's home address is in Wales—
  - (i) if the address is within a county, that county;
  - (ii) if the address is within a county borough, that county borough;
- (b) where the candidate's home address is in England—
  - (i) if the address is within a district for which there is a district council, that district;
  - (ii) if the address is within a county in which there are no districts with councils, that county;
  - (iii) if the address is within a London borough, that London borough;

- (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London;
- (v) if the address is within the Isles of Scilly, the Isles of Scilly;
- (c) where the candidate's home address is in Scotland, the local government area in which the address is situated;
- (d) where the candidate's home address is in Northern Ireland, the local government district in which it is situated.

### **Decisions as to validity of nomination papers**

**10.**—(1) This rule applies where a nomination paper and the accompanying home address form are delivered in accordance with these rules.

(2) The candidate stands nominated unless and until one of the following events occurs—

- (a) the returning officer decides that the nomination paper is invalid;
- (b) the returning officer is satisfied that the candidate has died;
- (c) the candidate withdraws.

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

- (a) that the particulars of the candidate are not as required by law;
- (b) that the statement of party membership included in the nomination paper does not comply with rule 8;
- (c) that the candidate's home address form does not comply with rule 9(2) to (6);
- (d) where the candidate's home address form contains a statement that the home address must not be made public, that the form does not comply with rule 9(7);
- (e) that the nomination paper is not signed by the candidate, or that the candidate's signature has not been attested, as required by rule 5(5).

(4) Subject to paragraph (5), the returning officer must, as soon as reasonably practicable after each nomination paper and home address form have been delivered, examine them and decide whether the candidate has been validly nominated.

(5) If in the opinion of the returning officer a description in a nomination paper has been included in breach of rules 6(3) or (4) or 7, the returning officer must give a decision that the candidate's particulars are not as required by law—

- (a) as soon as reasonably practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours beginning with the close of the period for delivery of nomination papers.

(6) Where the returning officer decides that a nomination paper is invalid, the returning officer must endorse on the paper the fact of the decision and the reasons for it and sign the endorsement.

(7) The returning officer must give a notice to each candidate stating the returning officer's decision as to whether the candidate's nomination paper is valid or invalid.

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

(9) Except as provided by paragraph (8), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

#### **Nomination in more than one electoral area**

**11.**—(1) A candidate who is validly nominated for more than one electoral area of the same community must withdraw from candidature in all those electoral areas except one.

(2) A candidate who does not withdraw as required by paragraph (1) is to be treated as having withdrawn from candidature in all the electoral areas in which the candidate was validly nominated.

#### **Withdrawal of candidates**

**12.**—(1) A candidate may withdraw from candidature by giving a notice of withdrawal to the returning officer.

(2) The notice of withdrawal must be signed by the candidate in the presence of a witness who must attest the candidate's signature.

#### **Publication of statement of persons nominated**

**13.**—(1) The returning officer must prepare and publish a statement (a "statement of persons nominated") showing—

- (a) the persons who have been and stand nominated, and
- (b) any other persons who have been nominated but no longer stand nominated, with the reason why they no longer stand nominated.

(2) The statement must show—

- (a) the names and descriptions (if any) of the persons nominated, as given in their nomination papers,

- (b) their home address information (see paragraph (3)), and
- (c) the information contained in their statements of membership of political parties, as given in their nomination papers.

(3) In these rules, references to the home address information of a person nominated are to the following information as given in the home address form accompanying the nomination paper—

- (a) where the home address form contains a statement that the home address must not be made public, the information given in accordance with rule 9(7);
- (b) where the home address form does not contain such a statement, the address of the person nominated.

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

(5) Rule 14 (use of commonly used names) and rule 15 (names that are the same or similar) make further provision about the content of the statement of persons nominated.

#### **Use of commonly used names in statement of persons nominated**

**14.**—(1) This rule applies where a person's nomination paper gives commonly used forenames or surnames in accordance with rule 5(4).

(2) The statement of persons nominated must show the person's commonly used forenames or surnames (instead of the forenames or surnames stated in the nomination paper in accordance with rule 5(3)(a)) unless the returning officer decides—

- (a) that the use of the person's commonly used forenames or surnames may be likely to mislead or confuse electors, or
- (b) that the commonly used forenames or surnames are obscene or offensive.

(3) Where paragraph (2)(a) or (b) applies—

- (a) the statement of persons nominated must show the person's other forenames or surnames as stated in the nomination paper in accordance with rule 5(3)(a) (instead of the commonly used forenames or surnames), and
- (b) the returning officer must give a notice to the candidate stating the reasons for refusing to allow the use of the commonly used forenames or surnames.

### **Names that are the same or similar**

**15.**—(1) This rule applies where, in preparing a statement of persons nominated, the returning officer decides that—

- (a) two or more of the names that would be shown on the statement are the same or so similar as to be likely to cause confusion,
- (b) each of the persons concerned has made a statement that they require their home address not to be made public (see rule 9(6)), and
- (c) the information given in accordance with rule 9(7) is the same for each of them.

(2) The returning officer may arrange for any of their particulars to be shown on the statement of persons nominated with such amendments or additions as the returning officer thinks appropriate to reduce the likelihood of confusion.

(3) In deciding whether to make amendments or additions under this rule, the returning officer must have regard to any guidance given by the Electoral Commission for the purposes of this rule.

(4) Where it is practicable to do so before the publication of the statement, the returning officer must consult any persons whose particulars are to be amended or added to under this rule.

(5) The returning officer must give a notice to any person whose particulars are amended or added to under this rule, setting out the amendments or additions.

(6) Anything done by a returning officer under this rule may not be questioned in any proceedings other than proceedings on an election petition.

### **Correction of minor errors in a nomination paper or home address form**

**16.**—(1) A returning officer may, at any time before the publication of the statement of persons nominated, correct minor errors in a nomination paper or home address form.

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number;
- (b) obvious errors of spelling;
- (c) errors as to the information given in accordance with rule 9(7) (information that must be included where the candidate has stated that the home address must not be made public).

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

(4) In deciding whether to correct minor errors under this rule, a returning officer must have regard to any

guidance given by the Electoral Commission for the purposes of this rule.

### **Inspection of nomination papers**

**17.**—(1) During the time for inspection, any person may inspect nomination papers that have been delivered.

(2) In paragraph (1), “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.

(3) A person inspecting nomination papers may take a copy of, or make extracts from, the papers.

### **Inspection of home address forms**

**18.**—(1) During the time for inspection, the home address form of a candidate standing nominated may be inspected by any of the following who wish to inspect it—

- (a) another candidate standing nominated in the same electoral area;
- (b) the election agent (if appointed) of another candidate standing nominated in that area;
- (c) in the case of another candidate standing nominated in that area who has not appointed an election agent, another person selected by that candidate.

(2) In paragraph (1) “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.

(3) A candidate or other person carrying out an inspection under this rule must not take a copy of, or make extracts from, a home address form.

(4) The returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule or for some other purpose authorised by law.

### **Adjournment of nomination proceedings in the case of riot**

**19.**—(1) This rule applies if proceedings for, or in connection with, nomination are interrupted or obstructed on any day by riot or open violence.

(2) The proceedings must be abandoned for that day.

(3) If the day on which the proceedings are abandoned is the last day for the delivery of nomination papers, the proceedings must be resumed on the next day (as if it were instead the last day for the delivery of nomination papers).

(4) Where proceedings are resumed on the next day as required by paragraph (3), that day must be treated for

the purposes of these rules as being the last day for delivery of nomination papers (subject to any further application of paragraph (3) in the event of interruption or obstruction on that day).

(5) Where proceedings are abandoned under this rule—

- (a) nothing may be done after the proceedings are resumed if the time for doing it had passed when the proceedings were abandoned, and
- (b) nothing done before the proceedings were abandoned is invalidated by reason of the abandonment.

#### Method of Election

#### **Decision as to whether election is contested and next steps**

**20.**—(1) The returning officer must determine whether the number of persons remaining validly nominated for the electoral area after any withdrawals under rule 12 exceeds the number of councillors to be elected.

(2) If the number of persons remaining validly nominated does not exceed the number of councillors to be elected, the returning officer must declare the person or persons standing validly nominated to be elected.

(3) The returning officer must also—

- (a) give a notice stating the names of those declared to be elected—
  - (i) to the proper officer of the community council, and
  - (ii) to the proper officer of the council of the county or county borough in which the community is situated, and
- (b) publish their names.

(4) If the number of persons remaining validly nominated exceeds the number of councillors to be elected, a poll must be taken in accordance with Part 3.

## PART 3

### The Poll at Contested Elections

#### General Provisions

#### **Poll to be taken by ballot**

**21.**—(1) The votes at the poll must be given by ballot.

(2) The result must be ascertained in accordance with Part 4 (counting of votes).

## **The ballot papers**

**22.**—(1) The ballot of every voter must consist of a ballot paper.

(2) The only persons entitled to have their names inserted on the ballot paper are those remaining validly nominated for the electoral area after any withdrawals under rule 12.

(3) A ballot paper must be—

- (a) in the form in Appendix 2, and
- (b) printed in accordance with the directions in that Appendix.

(4) The ballot paper must—

- (a) contain the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated,
- (b) be capable of being folded up, and
- (c) have a number and other unique identifying mark printed on the back.

(5) At the request of a candidate who is authorised under rule 6(3)(c) to use a description likely to lead electors to associate the candidate with a registered political party, the ballot paper must contain, against the candidate's particulars, one registered emblem of the party.

(6) At the request of a candidate who is authorised under rule 6(4)(c) to use a description likely to lead electors to associate the candidate with two or more registered political parties, the ballot paper must contain, against the candidate's particulars, one registered emblem of one of the parties.

(7) The candidate's request under paragraph (5) or (6) must be—

- (a) made in writing to the returning officer, and
- (b) received by the returning officer before the last time for the delivery of nomination papers as set out in the timetable in rule 1.

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

## **Corresponding number list**

**23.**—(1) The returning officer must prepare a list ("the corresponding number list").

(2) The corresponding number list must be in two parts.

(3) Part 1 must contain the numbers and unique identifying marks of all ballot papers to be issued in pursuance of rule 28(1) (postal ballot papers).

(4) Part 2 must contain the numbers (but not the unique identifying marks) of all ballot papers to be

provided in pursuance of rule 32(1) (provision of ballot boxes and ballot papers at polling stations).

(5) The corresponding number list must be in the form set out in Appendix 3 or a form to the like effect.

### **The official mark**

**24.**—(1) Each ballot paper must contain an appropriate security marking (“the official mark”).

(2) The official mark must be kept secret.

(3) An interval of not less than five years must intervene between the use of the same official mark at elections for the same community.

(4) The returning officer may use a different official mark for different purposes at the same election.

### **Prohibition of disclosure of vote**

**25.** A person who has voted at the election may not be required to state for whom they voted in any legal proceedings to question the election.

### **Use of schools and public rooms**

**26.**—(1) The returning officer may use any of the following rooms free of charge for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a county or county borough council;
- (b) a room in a school in respect of which grants are made out of money provided by Senedd Cymru, or by Parliament, to the person or body responsible for the management of the school;
- (c) any other room if the expense of maintaining the room is payable wholly or mainly out of public funds.

(2) Where a room described in paragraph (1) is used for the purpose of taking the poll or counting the votes, the returning officer must—

- (a) make good any damage to the room resulting from its use for that purpose, and
- (b) defray any expense incurred by the person or body having control over the room by reason of its use for that purpose.

Action to be taken before the poll

### **Notice of poll**

**27.**—(1) The returning officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll,

- (b) the number of councillors to be elected for the electoral area, and
- (c) the names and descriptions (if any) of each candidate remaining validly nominated and their home address information.

(2) The candidates' particulars, and the order of the candidates' names, must be the same as in the statement of persons nominated.

(3) The returning officer must, before or at the same time as publishing notice of the poll, also publish notice of—

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

(4) The returning officer must, as soon as practicable after publishing notice under paragraph (3), give a copy of it to each of the candidates or to their election agents (if appointed).

### **Postal ballot papers**

**28.**—(1) The returning officer must, in accordance with regulations under the 1983 Act, issue to those entitled to vote by post—

- (a) a ballot paper,
- (b) a postal voting statement in the form set out in Appendix 4 or a form to the like effect, and
- (c) such envelopes for the return of the ballot paper and postal voting statement as may be prescribed by regulations under that Act.

(2) The returning officer must also issue to those entitled to vote by post such information as the returning officer considers appropriate about how to obtain—

- (a) translations into languages other than English and Welsh of any directions to or guidance for voters sent with the ballot paper,
- (b) a translation into Braille of such directions or guidance,
- (c) graphical representations of such directions or guidance, and
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision—

- (a) for the form to be signed by the elector or, where the elector is voting by proxy, the proxy, unless the registration officer has dispensed with the requirement for a signature, and
- (b) for stating the date of birth of the elector or, where the elector is voting by proxy, the proxy.

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the returning officer

must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

### **Provision of polling stations**

**29.**—(1) The returning officer must—

- (a) provide a sufficient number of polling stations, and
- (b) allot the electors to the polling stations.

(2) One or more polling stations may be provided in the same room.

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

### **Appointment of presiding officers and clerks**

**30.**—(1) The returning officer must appoint and pay—

- (a) a presiding officer to attend at each polling station, and
- (b) such number of clerks as may be necessary for the purposes of the poll or the count or otherwise for the purposes of the election.

(2) The returning officer must not knowingly appoint, as a presiding officer or clerk, a person who has been employed by or on behalf of a candidate in connection with the election.

(3) The returning officer may preside at a polling station.

(4) Where the returning officer presides at a polling station, these rules apply to the returning officer so presiding with the necessary modifications as to things done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(5) A presiding officer may authorise the clerks to do anything (including asking questions) that the presiding officer is required or authorised by these rules to do at a polling station, except ordering the exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

**31.**—(1) The community council may, not later than 4 pm on the nineteenth day before the day of election, request the returning officer to issue poll cards for the election.

(2) The returning officer must, as soon as practicable after receiving the request, send or deliver—

- (a) an official poll card to electors not voting by post,
- (b) an official postal poll card to electors voting by post and not by proxy,

- (c) an official proxy poll card to a person voting as proxy for an elector and not by post, and
- (d) an official proxy postal poll card to a person voting as proxy for an elector by post.

(3) In the case of an elector with an anonymous entry, the returning officer must issue the appropriate poll card whether or not the council has requested the issue of poll cards under paragraph (1).

(4) An official poll card or an official postal poll card must be sent or delivered to the elector's qualifying address.

(5) An official proxy poll card or an official proxy postal poll card must be sent or delivered to the proxy's address, as shown in the list of proxies.

(6) Each poll card must be in the appropriate form in Appendix 5 or a form to the like effect and must set out—

- (a) the name of the council to which councillors are to be elected,
- (b) the electoral area for which councillors are to be elected,
- (c) the number of councillors to be elected for that electoral area,
- (d) the elector's name, qualifying address and number on the register,
- (e) the date and hours of the poll and the situation of the elector's polling station, and
- (f) such other information as the returning officer considers appropriate.

(7) Different information may be provided under paragraph (6)(f) to different electors or descriptions of elector.

(8) In the case of an elector with an anonymous entry, the poll card—

- (a) must contain such information as is specified in the appropriate form in Appendix 5 instead of the information set out in paragraph (6)(d), and
- (b) must be sent or delivered in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry.

(9) In this rule—

- (a) "elector" means a person who is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of the election, except that it includes a person then shown in the register (or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries) as below voting age only if it appears from the register (or the record) that the person will be of voting age on the day fixed for the poll;

- (b) “qualifying address” has the same meaning as in the 1983 Act (see section 202(1) of that Act).

### **Equipment of polling stations**

**32.**—(1) The returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as the returning officer considers necessary.

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

(3) The returning officer must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,
- (b) copies of the relevant register of electors,
- (c) copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act<sup>(1)</sup> so far as relating to the relevant register of electors,
- (d) copies of the parts of any lists of persons entitled to vote by post or by proxy that correspond to the relevant register of electors, and
- (e) a list (“the polling station’s corresponding number list”) consisting of that part of Part 2 of the corresponding number list prepared under rule 23 that contains the numbers, but not the other unique identifying marks, corresponding to those on the ballot papers provided to the presiding officer under paragraph (1).

(4) In this paragraph, “the relevant register of electors” means the register of electors for the electoral area or such part of it as contains the entries relating to the electors allotted to the polling station.

(5) The returning officer must cause to be displayed at each polling station an enlarged sample copy of the ballot paper.

(6) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.

(7) The returning officer must also provide each polling station with—

- (a) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially-sighted, and

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(1) Sections 13 to 13B of the 1983 Act were substituted for section 13 of that Act by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c.2). Section 13B(3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006.

- (b) a device for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or a companion (see rules 43 to 45 for the assistance that may be obtained from the presiding officer or a companion).

(8) The sample copy of the ballot paper required to be displayed and provided by paragraphs (5) and (7)(a) must be clearly marked as specimen and provided only for the guidance of voters.

(9) The device referred to in paragraph (7)(b) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper,
- (b) hold the ballot paper firmly in place during use, and
- (c) provide a suitable means for the voter to—
  - (i) identify the spaces on the ballot paper on which votes may be marked,
  - (ii) identify the candidate to which each space refers, and
  - (iii) mark their vote on the space chosen.

(10) The returning officer must also cause a notice in the form in Appendix 6, giving directions for the guidance of voters in voting, to be displayed—

- (a) inside each voting compartment in the polling station,
- (b) inside the polling station (but outside the voting compartments), and
- (c) outside the polling station.

(11) The returning officer may also provide copies of the notice in Braille or in such languages other than English and Welsh as the returning officer considers appropriate.

### **Appointment of polling and counting agents**

**33.**—(1) A candidate may, before the poll begins, appoint—

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

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

(3) The returning officer may limit the number of counting agents but the number must be the same for each candidate.

(4) The candidate must give a notice to the returning officer where polling agents or counting agents are appointed.

(5) The notice must—

- (a) give the names and addresses of the persons appointed, and
- (b) be given no later than the fifth day before the day of the poll, disregarding any excluded day.

(6) If a polling agent or counting agent dies or becomes incapable of acting—

- (a) the candidate may appoint another agent instead, and
- (b) must immediately give the returning officer a notice stating the other agent's name and address.

#### **Polling and counting agents: supplemental provision**

**34.**—(1) A candidate or the candidate's election agent (if appointed)—

- (a) may do anything that the candidate's polling or counting agent is authorised to do (or would, if appointed, have been authorised to do);
- (b) may assist the candidate's polling or counting agent to do anything that the polling or counting agent is authorised to do.

(2) Anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done instead in the presence of the candidate's election agent (if appointed).

(3) Where these rules require or authorise something to be done in the presence of the polling or counting agents, the non-attendance of the agent or agents at the time and place appointed does not invalidate the thing done.

(4) Where a candidate does not have a counting agent, the returning officer may give the candidate any notice that is required by these rules to be given to the counting agent.

#### **Notification of requirement of secrecy**

**35.**—(1) The returning officer must make arrangements to ensure that every person attending at a polling station, other than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty, has been given a notice setting out the provisions of section 66(1), (3) and (6) of the 1983 Act.

(2) In this rule, a reference to a constable includes a person designated as a community support officer or community support volunteer under section 38 of the

Police Reform Act 2002(1) (police powers for civilian staff and volunteers).

### **Return of postal ballot papers**

**36.**—(1) Where a postal vote has been returned in respect of a person who is entered on the postal voters list, the returning officer must mark the list in the manner prescribed by regulations under the 1983 Act.

(2) Where a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list, the returning officer must mark the list in the manner prescribed by regulations under that Act.

(3) Rule 54(8) does not apply for the purpose of deciding whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

### **The Poll**

### **Admission to polling station**

**37.**—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters allotted to the polling station,
- (b) persons under the age of 16 who accompany voters to the polling station,
- (c) the candidates and their election agents (if appointed),
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) the returning officer or members of the returning officer's staff,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000(2) (representatives of the Electoral Commission and accredited observers),
- (h) the constables on duty, and
- (i) the companions of voters with disabilities.

(2) The presiding officer must regulate the total number of voters and persons under the age of 16 who accompany them who are admitted to the polling station at the same time.

(3) Only one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable voting in person may do so either—

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(1) c. 30

(2) Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006.

- (a) at the polling station allotted under these rules, or
  - (b) at another polling station, if the constable produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by an officer of police of or above the rank of inspector.
- (5) A person employed by the returning officer, if voting in person, may do so either—
- (a) at the polling station allotted under these rules, or
  - (b) at another polling station, if the person produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by the returning officer.
- (6) A certificate surrendered under paragraph (4) or (5) must immediately be cancelled.
- (7) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

#### **Keeping of order in station**

**38.**—(1) The presiding officer must keep order at the polling station.

(2) If a person engages in misconduct in a polling station, or fails to obey any orders lawfully given by the presiding officer, the presiding officer may order that the person be removed from the polling station.

(3) Where the presiding officer orders that a person be removed, the person may be removed immediately—

- (a) by a constable in or near the polling station, or
- (b) by any other person authorised in writing by the returning officer to remove people from the polling station.

(4) Where a person is removed, the person must not, without the presiding officer's permission, re-enter the polling station on the day of the poll.

(5) Where a person who is removed is charged with the commission of an offence in the polling station, the person may be dealt with as a person taken into custody by a constable for an offence without a warrant.

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

#### **Sealing of ballot boxes**

**39.**—(1) The presiding officer must take the following steps immediately before the poll begins.

(2) The presiding officer must show the empty ballot box to those people (if any) who are present in the polling station, so that they may see that it is empty.

(3) The presiding officer must then—

- (a) lock up the box, if it has a lock, and
- (b) place the returning officer’s seal on it, in such a way as to prevent it being opened without breaking the seal.

(4) The presiding officer must then place the box, within the presiding officer’s view, for the receipt of ballot papers.

(5) The presiding officer must keep the box locked and sealed or (if it does not have a lock) keep it sealed.

**Questions that may be put to voters**

40.—(1) At the time of an application for a ballot paper (but not afterwards), the presiding officer may put to any person described in the first column of Table 1 (set out in paragraph (3)) or in the first column of Table 2 (set out in paragraph (4)), one or more of the questions set out in the corresponding entry in the second column.

(2) If required to do so by the candidate or the candidate’s election or polling agent, the presiding officer must put to any person described in the first column of Table 1 one or more of the questions set out in the corresponding entry in the second column.

(3) Table 1 sets out questions that a presiding officer may put under paragraph (1) and that a candidate (or the candidate’s election or polling agent) may require to be put under paragraph (2).

**Table 1**

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector	<p>1(a) Are you the person registered in the register of local government electors for this election as follows?</p> <p>Notes to 1(a) The presiding officer must then read the whole entry from the copies of the registration records.</p> <p>1(b) Have you already voted, in this or another ward, at the election of councillors for this community, otherwise than as proxy for some other</p>

	<p>person?</p> <p>Notes to 1(b) The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>
<p>2. A person applying as proxy for an elector other than an elector who has an anonymous entry</p>	<p>2(a) Are you the person whose name appears as AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD?</p> <p>2(b) Have you already voted, in this or another ward, at the election of councillors for this community, as proxy on behalf of CD?</p> <p>2(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD?</p> <p>Notes to 2(a) to (c) Where a question refers to AB, the presiding officer reads out the name as it appears in the list of proxies. Where a question refers to CD, the presiding officer reads out the name of the elector.</p> <p>Note to 2(b) The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>
<p>3. A person applying as proxy for an elector who has an anonymous entry</p>	<p>3(a) Are you the person entitled to vote as proxy on behalf of</p>

	<p>the elector whose number on the register of electors is [x]?</p> <p>3(b) Have you already voted as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is [x]?</p> <p>Note to 3(a) to (c) Where the questions in this entry refer to [x], the presiding officer must read the elector's number from the copies of the registration records.</p>
<p>4. A person applying as proxy who has been asked the question numbered 2(c) or 3(c) in column 2 and has not answered "Yes"</p>	<p>4. Have you already voted, in this or another ward, at the election of councillors for this community, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?</p> <p>Note to 4 The words "in this or another ward," may be omitted if an election is taking place only in one ward or if there are no wards.</p>

(4) Table 2 sets out the questions that a presiding officer may put under paragraph (1) (but cannot be required to put under paragraph (2)).

**Table 2**

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector in relation to whom there is an entry in the postal voters list	1(a) Did you apply to vote by post?  1(b) Why have you not voted by post?
2. A person applying as proxy who is named in the proxy postal voters list	2(a) Did you apply to vote by post as proxy?  2(b) Why have you not voted by post as proxy?

(5) A ballot paper must not be given to any person required to answer one or more of the questions in Table 1 or 2 unless the person has answered the question or questions satisfactorily.

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

(7) In this rule, “the copies of the registration records” means the copies provided by the returning officer for the polling station under rule 32(3)(b) and (c) (copies of the relevant register of electors and copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act relating to the relevant register of electors).

### **Challenge of voter**

**41.** A person must not be prevented from voting by reason only that either or both of the following apply—

- (a) a candidate, a candidate’s election agent (if appointed) or a candidate’s polling agent has made a written declaration that they have reasonable cause to believe that the person has committed an offence of personation;
- (b) the person is arrested on the grounds that they are suspected of committing or being about to commit an offence of personation.

### **Voting procedure**

**42.—**(1) A ballot paper must be given to a voter who applies for one.

(2) Immediately before the ballot paper is given—

- (a) the number of the elector, as stated in the copies of the registration records, must be called out,
- (b) unless the elector has an anonymous entry, the name of the elector, as stated in the copies of the registration records, must also be called out,
- (c) the number of the elector must be marked on the polling station’s corresponding number list beside the number of the ballot paper to be issued,

- (d) a mark must be placed in the copies of the registration records against the number of the elector to note that a ballot paper has been received, but without showing the particular ballot paper that has been received, and
  - (e) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.
- (3) In the case of an elector who has an anonymous entry—
- (a) the ballot paper may be given only if the elector's official poll card is shown to the presiding officer, and
  - (b) only the elector's number may be called out.
- (4) On receiving the ballot paper, the voter must go immediately into one of the compartments in the polling station.
- (5) Without undue delay, the voter must then—
- (a) secretly mark the ballot paper,
  - (b) fold the ballot paper up so as to conceal the vote,
  - (c) show the presiding officer the back of the ballot paper, so as to disclose the number and other unique identifying mark, and
  - (d) put the ballot paper into the ballot box in the presiding officer's presence.
- (6) As soon as the voter has put the ballot paper in the ballot box, the voter must leave the polling station.
- (7) If a voter is in the polling station, or in a queue outside the polling station, at the close of the poll and has not yet been able to cast their vote, the presiding officer must permit the voter to cast their vote as soon as practicable.
- (8) In this rule, "the copies of the registration records" has the same meaning as in rule 40 (see paragraph (7) of that rule).

**Voters with a disability or unable to read: marking of votes by presiding officer**

- 43.**—(1) A voter may apply to the presiding officer for their vote to be marked if the voter—
- (a) is unable, because of blindness or other disability, to vote in the manner directed by these rules, or
  - (b) declares orally that they are unable to read.
- (2) Where an application is made, the presiding officer must, in the presence of any polling agents who are in the polling station when the application is made—
- (a) cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and

(b) cause the ballot paper to be placed in the ballot box.

(3) Where a voter's vote is marked in pursuance of paragraph (2), the presiding officer must enter the following details on a list maintained by the presiding officer for the purposes of this rule ("the list of votes marked by the presiding officer")—

(a) the name and number of the voter, as shown in the copies of the registration records, and

(b) the reason why the vote was marked.

(4) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name in the list of votes marked by the presiding officer is the elector's number.

(5) In this rule, "the copies of the registration records" has the same meaning as in rule 40 (see paragraph (7) of that rule).

#### **Voters with a disability or unable to read: assistance of companions**

**44.**—(1) A voter may apply to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of a companion.

(2) Where an application is made, the presiding officer must require the voter to declare, orally or in writing, whether the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.

(3) In the following provisions of this rule, a voter who declares that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion is referred to as a voter with disabilities.

(4) At the time when an application to vote with the assistance of a companion is made, the companion must make a written declaration before the presiding officer that the companion—

(a) is eligible to assist the voter (see paragraph (5)), and

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

(5) The companion is eligible to assist the voter if—

(a) the companion is entitled to vote as an elector at the election, or

(b) is a relative of the voter and has attained the age of 16.

(6) For the purposes of paragraph (5), a person is a "relative" of the voter if they are the parent, grandparent, brother, sister, spouse, civil partner, child or grandchild of the voter.

- (7) The companion's declaration—
  - (a) must be in the form in Appendix 8, and
  - (b) must be given to the presiding officer who must attest it and retain it.
- (8) The presiding officer must grant the voter's application for the assistance of a companion if the presiding officer—
  - (a) is satisfied that the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion, and
  - (b) is also satisfied by the companion's written declaration that the companion is eligible to assist the voter and has not previously assisted more than one voter with disabilities to vote at the election.
- (9) Where the application is granted—
  - (a) anything that is required to be done by these rules to the voter in connection with the giving of the vote may be done instead to the companion, and
  - (b) the voter may do anything that needs to be done in connection with the giving of the vote with the assistance of the companion.

**Voting with the assistance of a companion: supplemental provision**

**45.**—(1) Where a vote is given with the assistance of a companion in accordance with rule 44, the presiding officer must then enter the following details in a list maintained by the presiding officer (“the list of voters with disabilities assisted by companions”)—

- (a) the name and number of the voter, as shown in the copies of the registration records, and
- (b) the name and address of the companion.

(2) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name in the list of voters with disabilities assisted by companions is the elector's number.

(3) Where the voter has an anonymous entry, only the voter's number in the copies of the registration records may be entered in the list of voters with disabilities assisted by companions.

(4) No fee or other payment may be charged in respect of a declaration made by a companion under rule 44(4).

(5) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule)

**Tendered ballot papers: circumstances where available**

**46.**—(1) This rule sets out circumstances where a person who applies for a vote (“the applicant”) is entitled to vote on satisfactorily answering the questions permitted by law to be asked at the poll but where the procedure for giving the vote is modified in the following two ways—

- (a) the person must use a ballot paper that is of a different colour to other ballot papers, and
- (b) the person must give the ballot paper to the presiding officer (instead of putting it in the ballot box).

*Circumstances where vote already given in person*

(2) The first set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records and not named in the postal voters list or list of proxies, and
- (b) another person has already voted in person either as that elector or as that elector’s proxy.

(3) The second set of circumstances is where—

- (a) the applicant represents themselves to be a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy, and
- (b) another person has already voted in person either as that elector or as that elector’s proxy.

*Circumstances where applicant on postal voters list claims not to have applied for postal vote*

(4) The third set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records,
- (b) the applicant is also named in the postal voters list, and
- (c) the applicant claims not to have made an application to vote by post at the election.

(5) The fourth set of circumstances is where—

- (a) the applicant represents themselves to be a particular person named as a proxy in the list of proxies,
- (b) that person is also named in the proxy postal voters list, and
- (c) the applicant claims not to have made an application to vote by post as proxy at the election.

*Circumstances where applicant claims to have lost postal ballot paper etc*

(6) The fifth set of circumstances is where—

- (a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular elector named in the copies of the registration records who is also named in the postal voters list, and
- (b) the applicant claims to have lost or not to have received that person's postal ballot paper.

(7) The sixth set of circumstances is where—

- (a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular person named as a proxy in the list of proxies who is also named in the proxy postal voters list, and
- (b) the applicant claims to have lost or not to have received that person's postal ballot paper.

(8) A ballot paper that is given to a presiding officer in accordance with this rule is referred to in these rules as a “tendered ballot paper”.

(9) Where an elector has an anonymous entry, the references in this rule to a person named in the copies of the registration records or a list is to be read as a reference to a person who has a number in the copies or list.

(10) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

### **Duties of presiding officer in relation to tendered ballot papers**

**47.**—(1) This rule sets out the duties of the presiding officer in relation to tendered ballot papers.

(2) The presiding officer must endorse the following information on the ballot paper—

- (a) the name of the voter, and
- (b) the voter's number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.

(3) The presiding officer must put the ballot paper in a separate packet.

(4) The following information must be entered on a list (the “tendered votes list”)—

- (a) the name of the voter, and
- (b) the voter's number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.

(5) Where an elector has an anonymous entry, the presiding officer must not include the name of the voter on the ballot paper or in the tendered votes list.

(6) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

### **Spoilt ballot papers**

**48.**—(1) This rule applies where a voter has inadvertently dealt with their ballot paper in such a manner that it cannot conveniently be used as a ballot paper.

(2) The voter may obtain another ballot paper by—

- (a) giving the ballot paper that was inadvertently dealt with (the “spoilt ballot paper”) to the presiding officer, and
- (b) proving to the presiding officer’s satisfaction that it was dealt with inadvertently.

(3) Where the voter is given another ballot paper, the spoilt ballot paper must be cancelled immediately.

### **Correction of errors on day of poll**

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

### **Adjournment of poll in case of riot**

**50.**—(1) This rule applies where proceedings at any polling station are interrupted or obstructed by riot or open violence.

(2) The presiding officer—

- (a) must adjourn the proceedings until the following day, and
- (b) immediately inform the returning officer.

(3) Where the poll is adjourned at a polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
- (b) references in these rules to the close of the poll are to be read as references to the end of the hours of polling on the day to which it is adjourned.

### **Procedure on close of poll**

**51.**—(1) This rule sets out the steps that must be taken by the presiding officer as soon as practicable after every voter has cast their vote.

(2) In the presence of the polling agents, the presiding officer must seal each ballot box (with the key if any attached) in use at the polling station so as to prevent the introduction of additional ballot papers, using the

presiding officer's seal and the seals of any polling agents who wish to affix their seal.

(3) In the presence of the polling agents, the presiding officer must place each of the following in separate packets, sealed using the presiding officer's seal and the seals of any polling agents who wish to affix their seal—

- (a) the unused and spoiled ballot papers (together);
- (b) the tendered ballot papers;
- (c) the marked copies of the registration records and list of proxies (together);
- (d) the polling station's corresponding number list, as marked (see rule 42(2)(c)) (referred to in the following provisions of these rules as "the completed corresponding number list");
- (e) any certificates surrendered under rule 37(4) or (5) (surrender of certificates issued to constables or staff of returning officers);
- (f) the following lists and declarations (together)—
  - (i) the list of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads "disability" and "unable to read" (see rule 43);
  - (ii) the declarations made by the companions of voters with disabilities (see rule 44);
  - (iii) the list of voters with disabilities assisted by companions (see rule 45);
  - (iv) the tendered votes list (see rule 47);
  - (v) the list maintained under rule 49 (correction of errors on day of poll).

(4) The presiding officer must deliver the sealed ballot boxes and packets to the returning officer or cause them to be delivered in accordance with arrangements approved by the returning officer.

(5) The packets must be accompanied by a statement ("a ballot paper account") prepared by the presiding officer showing—

- (a) the number of ballot papers given to the presiding officer, and
- (b) how the ballot papers are accounted for under the following headings—
  - (i) the number of ballot papers issued and not otherwise accounted for;
  - (ii) the number of ballot papers unused;
  - (iii) the number of spoiled ballot papers;
  - (iv) the number of tendered ballot papers.

(6) In this rule, "the marked copies of the registration records" means the copies of the registration records (as defined by rule 40(7)) as marked in accordance with these rules.

## PART 4

### Counting of Votes and Declaration of Result at Contested Elections

#### Arrangements for the counting of votes

**52.**—(1) The returning officer must make arrangements for the votes to be counted in the presence of the counting agents as soon as practicable after the close of the poll.

(2) The returning officer must give the counting agents a notice stating the time and place at which the returning officer will begin to count the votes.

#### Attendance at the counting of votes

**53.**—(1) The following persons are entitled to be present at the counting of votes—

- (a) the returning officer and members of the returning officer's staff;
- (b) each candidate and a guest of each candidate;
- (c) the election agents (if appointed);
- (d) the counting agents;
- (e) any person who is entitled to attend by virtue of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (representatives of the Electoral Commission and accredited observers);
- (f) the constables on duty.

(2) The returning officer may permit any other person to attend at the counting of votes but only if the returning officer—

- (a) is satisfied that the person's attendance will not impede the efficient counting of votes, and
- (b) has either consulted the appropriate persons about whether to give permission or decided that it is not practicable to consult them.

(3) For the purposes of paragraph (2)(b), "the appropriate persons" are the election agents (if appointed) and, in the case of candidates who have not appointed election agents, the candidates.

(4) The returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information about them, as the returning officer is able to give consistently with the orderly conduct of the proceedings and the discharge of the returning officer's duties.

(5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents are

entitled to satisfy themselves that the ballot papers are correctly sorted.

(6) The returning officer must make arrangements to ensure that every person attending at the counting of votes (other than the constables on duty) has been given a notice setting out the provisions of section 66(2) and (6) of the 1983 Act (notification of requirement of secrecy).

(7) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

### **The count: preliminary steps**

**54.**—(1) Before counting the votes, the returning officer must take the following steps.

(2) The returning officer must, in the presence of the counting agents, open each ballot box, take out the ballot papers and record the number of ballot papers.

(3) The returning officer must not count any tendered ballot paper.

(4) The returning officer must then, in the presence of the election agents (if appointed), verify each ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the returning officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and tendered votes list).

(5) The returning officer must prepare a statement as to the result of the verification and give a copy of the statement to any election agent who requests it.

(6) Where a candidate has not appointed an election agent—

(a) the verification of the ballot paper account must be done in the presence of the candidate's counting agents instead, and

(b) a copy of the statement must be given to any of the candidate's counting agents who requests it.

(7) After verifying the ballot paper accounts, the returning officer must—

(a) count the postal ballot papers that have been properly returned (see paragraph (8)), and

(b) record the number counted.

(8) A postal ballot paper is to be treated as properly returned if the ballot paper and the accompanying postal voting statement properly completed are—

(a) handed in at a polling station in the electoral area before the close of the poll,

(b) given by hand to the returning officer before the close of the poll, or

(c) received by the returning officer by post before the close of the poll.

(9) A postal voting statement is properly completed if—

- (a) it is signed by the elector or (as the case may be) the proxy unless the registration officer has dispensed with the requirement for a signature,
- (b) it states the date of birth of the elector or (as the case may be) the proxy, and
- (c) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations under the 1983 Act, the returning officer has taken those steps and verified the date of birth and (except in a case where the requirement for a signature has been dispensed with) the signature.

(10) Where, at the close of the poll, a person is in the polling station, or in a queue outside the polling station, for the purpose of handing in a postal ballot paper and postal voting statement—

- (a) the person must be permitted to hand the ballot paper and statement in at the polling station, and
- (b) where handed in, they are to be treated as having been handed in before the close of the poll for the purposes of this rule.

(11) The returning officer must not count the votes given on any ballot paper until—

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

(12) While counting and recording the number of ballot papers and counting the votes, the returning officer must take all proper precautions for preventing any person from identifying the voter who cast the vote.

### **The count: general**

**55.**—(1) The result of the poll must be ascertained by counting the votes given to each candidate.

(2) The candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, must be declared to have been elected.

(3) Subject to paragraph (4), the returning officer must, so far as practicable, proceed continuously with the counting of votes, allowing only time for refreshment.

(4) The returning officer may exclude any hours between 10 p.m. and 9 a.m. on the following morning.

(5) During any time that is excluded, the returning officer must—

- (a) place the ballot papers and other documents relating to the election under the returning officer's seal and the seals of any counting agents who wish to affix their seals, and
- (b) otherwise take proper precautions for the security of the ballot papers and other documents.

### **The count: rejected ballot papers**

**56.**—(1) Subject to paragraphs (2) and (4), the following ballot papers are void and must not be counted—

- (a) a ballot paper that does not bear the official mark;
- (b) a ballot paper on which votes are given for more candidates than the voter is entitled to vote for;
- (c) a ballot paper on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back;
- (d) a ballot paper that is unmarked or void for uncertainty.

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

(3) Paragraph (4) applies to a ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place,
- (b) otherwise than by means of a cross, or
- (c) by more than one mark.

(4) The ballot paper is not, by reason only of how the vote is marked, to be treated as void (either wholly or as respects that vote) if—

- (a) it is clear from the ballot paper that the voter intended to vote for one or other of the candidates,
- (b) the way the ballot paper is marked does not itself identify the voter, and
- (c) the returning officer is satisfied that the voter cannot be identified from the ballot paper.

(5) The returning officer must—

- (a) endorse the word “rejected” on any ballot paper which, in accordance with this rule, is not to be counted;
- (b) endorse the word “rejected in part” on any ballot paper on which a vote is counted in

accordance with paragraph (2) and indicate which vote or votes have been counted.

(6) If a counting agent objects to the returning officer's decision, the returning officer must add the words "rejection objected to" to the endorsement.

(7) The returning officer must prepare a statement showing the number of ballot papers rejected and the number rejected in part.

(8) The statement must set out the number rejected or rejected in part under each of the headings in subparagraphs (a) to (d) of paragraph (1).

### **Re-count**

**57.**—(1) A candidate or the candidate's election agent (if appointed) may, if present when the count is completed, request that the returning officer re-count the votes.

(2) The returning officer must comply with the request unless the returning officer's opinion is that the request is unreasonable.

(3) No step may be taken on the completion of the count until the candidates and election agents who are present have been given a reasonable opportunity to request that the votes are re-counted.

(4) Where a re-count takes place, this rule also applies in relation to the re-count (so that, for example, the candidate or the candidate's election agent (if appointed) may, if present when the re-count is completed, request that the returning officer re-count the votes).

### **Equality of votes**

**58.**—(1) This rule applies where, after the counting of the votes (including any re-count), there is an equality of votes between any candidates and the addition of a vote would entitle any of those candidates to be elected.

(2) The returning officer must immediately decide between the candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

### **Decision on ballot papers**

**59.** The decision of the returning officer on any question arising in respect of a ballot paper is final but may be reviewed on an election petition.

### **Declaration of result**

**60.**—(1) When the count has been completed, the returning officer must declare to be elected the candidate or candidates to whom more votes have been given than to other candidates, up to the number of councillors to be elected.

- (2) The returning officer must give the names of the candidates elected to—
  - (a) the proper officer of the community council, and
  - (b) the proper officer of the council of the county or county borough in which the community is situated.
- (3) The returning officer must also publish notice of—
  - (a) the names of the candidates elected,
  - (b) the total number of votes given for each candidate (whether elected or not), and
  - (c) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers (see rule 56).

## PART 5

### Disposal of Documents

#### **Sealing up of ballot papers at contested elections**

**61.**—(1) This rule applies on the completion of the counting of votes at a contested election.

(2) The returning officer must seal up in separate packets—

- (a) the counted ballot papers, and
- (b) the rejected ballot papers (including the ballot papers rejected in part).

(3) The returning officer must not open any packets sealed under rule 51(3) that contain—

- (a) tendered ballot papers,
- (b) completed corresponding number lists,
- (c) certificates surrendered by constables or staff of returning officers under rule 37(4) or (5), or
- (d) marked copies of the registration records and list of proxies.

#### **Delivery of documents to registration officer at contested elections**

**62.**—(1) This rule applies where the returning officer has sealed up the counted and rejected ballot papers under rule 61(2).

(2) The returning officer must forward the following documents to the registration officer of the county or county borough council in whose area the election is held—

- (a) the packets of ballot papers in the returning officer's possession;
- (b) the ballot paper accounts prepared under rule 51(5);

- (c) the statements of rejected ballot papers prepared under rule 56(7);
- (d) the statements as to the result of the verification of the ballot paper accounts prepared under rule 54(5);
- (e) the following lists and declarations—
  - (i) the lists of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads “disability” and “unable to read” (see rule 43);
  - (ii) the declarations made by the companions of voters with disabilities (see rule 44);
  - (iii) the lists of voters with disabilities assisted by companions (see rule 45);
  - (iv) the tendered votes lists (see rule 47);
  - (v) the lists maintained under rule 49 (correction of errors on the day of the poll);
- (f) the packets containing completed corresponding number lists;
- (g) the packets containing certificates surrendered by constables or staff of returning officers under rule 37(4) or (5);
- (h) the packets containing copies of registration records and lists of proxies;
- (i) the packets containing the postal voters list and the proxy postal voters list.

### **Production etc of documents**

**63.**—(1) This rule applies in relation to the following documents when in the custody of the registration officer (having been forwarded under rule 62)—

- (a) rejected and counted ballot papers;
- (b) sealed packets containing completed corresponding number lists;
- (c) sealed packets containing certificates surrendered by constables or staff of returning officers under rule 37(4) or (5).

(2) A county court may make any of the following orders, if satisfied by evidence on oath that the order is required either for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an election petition—

- (a) an order for the inspection or production of any of the rejected ballot papers (including any ballot papers rejected in part);
- (b) an order for the inspection of any of the counted ballot papers;
- (c) an order for the opening of any of the sealed packets containing—

- (i) completed corresponding number lists, or
    - (ii) certificates surrendered by constables or staff of returning officers under rule 37(4) or (5);
  - (d) where an order for the opening of any of the sealed packets is made under sub-paragraph (c), an order for the inspection or production of the whole or part of its contents.
- (3) An election court may make—
- (a) an order for the inspection of any of the counted ballot papers;
  - (b) an order for the opening of any of the sealed packets containing—
    - (i) completed corresponding number lists, or
    - (ii) certificates surrendered by constables or staff of returning officers under rule 37(4) or (5);
  - (c) where an order for the opening of any of the sealed packets is made under sub-paragraph (b), an order for the inspection or production of the whole or part of its contents.
- (4) An order under this rule may be made subject to such of the following conditions as the court thinks appropriate—
- (a) conditions as to persons;
  - (b) conditions as to time;
  - (c) conditions as to the place and method of inspection;
  - (d) conditions as to production or opening.
- (5) A court, in making an order under this rule for the inspection of counted ballot papers or for the opening of a sealed packet, must impose such conditions under paragraph (4) as the court considers appropriate to ensure that the way in which an elector has given their vote is not disclosed unless and until it has been proved—
- (a) that the elector has given their vote, and
  - (b) that the vote has been declared by a competent court to be invalid.
- (6) Any person giving effect to an order under this rule for the inspection of counted ballot papers or for the opening of a sealed packet must take care to ensure that the way in which an elector has given their vote is not disclosed unless and until it has been proved—
- (a) that the elector has given their vote, and
  - (b) that the vote has been declared by a competent court to be invalid.
- (7) An appeal lies to the High Court from an order of a county court under this rule.

(8) The powers of a county court under this rule may be exercised by any judge of the court otherwise than in open court.

(9) Except as provided by this rule, no person may—

- (a) inspect any of the rejected or counted ballot papers;
- (b) open any of the sealed packets containing—
  - (i) completed corresponding number lists, or
  - (ii) certificates surrendered by constables or staff of returning officers under rule 37(4) or (5).

**Orders for the production etc of documents: supplemental provision**

**64.**—(1) Paragraphs (2) and (3) apply where an order is made under rule 63 for the production by a registration officer of a document in the registration officer’s custody relating to an election specified in the order.

(2) The production by the registration officer or the registration officer’s agent of the document in the manner directed by the order is conclusive evidence that the document relates to the specified election.

(3) If a packet of ballot papers with an endorsement on the packet is produced by the registration officer or the registration officer’s agent to comply with the order, the endorsement is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(4) Paragraph (5) applies where, to comply with an order under rule 63, a registration officer or a registration officer’s agent has produced—

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

(5) The production of the ballot paper and the list are prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry at the time of the election in the register of electors, or on a notice issued under section 13B(3B) or (3D) of the 1983 Act, contained the same number as the number written on the ballot paper.

**Retention and destruction of documents forwarded to registration officer**

**65.**—(1) The registration officer must retain all documents forwarded under rule 62 for a period of one year beginning with the day on which they were received by the registration officer.

(2) At the end of that period of one year, the registration officer must cause the documents to be destroyed unless otherwise directed by an order of a county court, a Crown Court, a magistrates' court or an election court.

#### **Destruction of nomination papers etc by returning officer**

**66.**—(1) The returning officer must destroy each candidate's nomination paper and home address form—

- (a) on the next day following the 35<sup>th</sup> day after the returning officer has returned the names of the councillors elected, unless an election petition questioning the election or the return of candidates is presented before that day;
- (b) if an election petition questioning the election or return of councillors is presented before that day, as soon as practicable following the conclusion of proceedings on the petition (including, where there is an appeal, the proceedings on the appeal).

(2) For the purpose of deciding the day on which candidates' nomination papers and home address forms must be destroyed, any day that is an excluded day must be disregarded.

## **PART 6**

### **Death of Candidate**

#### **Countermand or abandonment of poll on death of a candidate**

**67.**—(1) This rule applies where, at a contested election, the returning officer is satisfied before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot papers has died.

(2) The returning officer must countermand notice of the poll or, if polling has begun, the returning officer must direct that the poll be abandoned and no further ballot papers may be issued.

(3) Where the poll is abandoned, the presiding officer at any polling station in use at the election must take the steps (so far as not already taken) that the presiding officer would be required to take under rule 51 on the close of the poll, except that it is not necessary for the presiding officer to prepare a ballot paper account.

(4) The returning officer must deal with ballot papers and other documents that are in the returning officer's possession when the poll is abandoned, or that are subsequently delivered to the returning officer to comply with paragraph (3), in the same way that the returning

officer would be required to deal with ballot papers and other documents under rules 61 and 62 on the completion of the counting of votes, except that—

- (a) it is not necessary to verify the ballot paper account,
- (b) the returning officer must seal up all the ballot papers (whether the votes on them have been counted or not), and
- (c) it is not necessary to seal up counted and rejected ballot papers in separate packets.

(5) The provisions of rules 63 to 65 apply to ballot papers and other documents relating to a poll that is abandoned by reason of a candidate’s death, except that—

- (a) ballot papers on which the votes were neither counted nor rejected are to be treated as counted ballot papers, and
- (b) an order may be made under rule 63(2) or (3) only for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(6) For what happens after notice of a poll is countermanded or a poll is abandoned, see section 39 of the 1983 Act.

## APPENDICES

### Appendix 1

#### Rule 5(1)

<b>Form of nomination paper</b>
<p><b>Section 1: Details of election</b></p> <p>Election of councillors to the [insert name of the community council]</p> <p>Electoral area:</p> <p>Date of election (see note 1):</p>
<p><b>Section 2: Candidate’s names</b></p> <p>Candidate’s surnames:</p> <p>Candidate’s forenames:</p> <p>Candidate’s commonly used surnames (see note 2 below):</p> <p>Candidate’s commonly used forenames (see note 2 below):</p>
<p><b>Section 3: Description (if any)</b> (see note 3 below)</p>
<p><b>Section 4: Candidate’s statement of party membership</b> (see note 4 below)</p> <p>Have you been a member of any registered political party at any time during the period of 12 months ending with the day on which you deliver this nomination paper?</p> <p>Yes/No</p> <p>If you have answered “Yes”, complete the table below in</p>

relation to each registered political party of which you have been a member at any time during that period. Add further rows if necessary. You must complete the table even if the registered political party has ceased to exist.

It is not necessary to complete the table if you have included a permitted party description in section 3 of this form and you have not been a member of any registered political party during the 12 months period other than the party or parties to which the description relates.

Registered name or names of each registered political party	The times during the 12 months period when you were a member

**Section 5: Declarations** (see note 5)

Complete and sign the following declarations.

I declare that I am qualified on the day on which I complete this nomination paper, and that I will be qualified on the day of election, to be elected as councillor for the [insert name] electoral area on the basis that I am on the day on which I complete this nomination paper, and will be on the day of election, a qualifying Commonwealth citizen, a citizen of the Republic of Ireland, a relevant citizen of the Union or a qualifying foreign citizen who has attained the age of 18 years and that—\*

- (a) I am registered as a local government elector for the area of [insert the name of the community] on the day on which I complete this nomination paper and will continue to be on the day of election;
- (b) I have occupied as owner or tenant land or other premises in the area of [insert the name of the community] during the whole of the period of 12 months preceding the day on which I complete this nomination paper and I will have occupied as owner or tenant land or other premises in that area during the whole of the period of 12 months preceding the day of election;
- (c) my principal or only place of work during the period of 12 months preceding the day on which I complete this nomination paper has been in the area of [insert the name of the community] and my principal or only place of work during the 12 months preceding the day of election will have been in that area;
- (d) I have resided in the area of [insert the name of the community] during the whole of the period of 12 months preceding the day on which I complete this nomination paper and I will have resided in that area during the whole of the period of 12 months preceding the day of election.

\*Candidates should indicate which one or more of paragraphs (a) to (d) apply to them by ticking those that apply and putting a line through those that do not apply. I also declare that to the best of my knowledge and belief I am not disqualified from being elected as councillor for the [insert name] electoral area by reason of any

disqualification set out in section 80 of the Local Government Act 1972 or any decision made under section 79 of the Local Government Act 2000 and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

Candidate's signature to declarations:

Date of signature:

**Section 6: Candidate's signature to nomination paper and attestation by witness** (see note 6)

Declaration by witness

The witness must complete and sign the following declaration before attesting the candidate's signature.

I [insert name of witness] declare that I am an elector.

Signature of witness:

Date of signature:

Candidate's signature and attestation by witness

Candidate's signature:

Date of signature:

Signed in the presence of a witness:

Signature of witness:

**Notes to the form of nomination paper**

Note 1: The date to be given here is the date on which the poll is to take place.

Note 2: If a candidate commonly uses forenames or surnames that are different in any respect from the forenames or surnames that are given in the first part of section 2, the candidate's commonly used forenames or surnames may be given in the appropriate place in the second part of section 2 if the candidate so wishes. This includes (but is not limited to) cases where the difference is that the commonly used forenames or surnames are in a different order, include only some of the names or include additional names. Where commonly used forenames or surnames are given, those names will generally appear in the statement of persons nominated and on the ballot paper (instead of any other names). There are circumstances in which the returning officer may refuse to use the commonly used names and these are set out in rule 14 of Schedule 1 to the Local Elections (Communities) (Wales) Rules 2021.

Note 3: The only descriptions that may be given are (a) a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under rule 6 of Schedule 1 to the Local Elections (Communities) (Wales) Rules 2021 ("a permitted party description"), or (b) the word "Independent".

In certain circumstances, a candidate using a permitted party description may add the word "Wales", "Welsh", "Cymru" or "Cymreig" to the description. Those circumstances are set out in rule 7 of Schedule 1 to the Local Elections (Communities) (Wales) Rules 2021.

Note 4: The requirements for statements of party membership are set out in rule 8 of Schedule 1 to the Local Elections (Communities) Rules 2021.

Note 5: The first declaration reflects the requirements set out in section 79 of the Local Government Act 1972. That

section defines “qualifying Commonwealth citizen”, “relevant citizen of the Union” and “qualifying foreign citizen”.

Note 6: Under rule 5(5) of Schedule 1 to the Local Elections (Communities) (Wales) Rules 2021 the nomination paper must be signed by the candidate in the presence of an elector who must attest the signature. “Elector” is defined in rule 5(7) as a person who is registered in the register of local government electors for the electoral area in question on the last day for publication of the notice of election. However, it includes a person then shown in the register as below voting age only if it appears from the register that they will be of voting age on the day fixed for the poll and it does not include a person who has an anonymous entry.

**Appendix 2  
Rule 22(3)**

<b>Form of front of ballot paper</b>
<b>Election of councillors to [insert the name of the community council]</b>
<p>Vote for <b>only one candidate</b> by putting a cross [x] in the box next to your choice.</p> <p>OR</p> <p>Vote for <b>no more than [insert number of candidates to be elected] candidates</b> by putting a cross [x] in the box next to each of your choices.*</p> <p>*The returning officer must select the wording that is appropriate for the election.</p>
<p><b>JAMES, Lisa</b> 6, Y Stryd, Y Dre CY36 4EZ <b>Promotion of Ethics in Local Government Party</b></p>
<p><b>THOMAS, Gareth</b> Iceland <b>Electoral Law Improvement Party</b></p>
<p><b>THOMAS RICHARDS, Angharad</b> The County of Hafod <b>Good Law Party</b></p>
<p><b>WYATT, Cath</b> The County of Cornwall <b>Efficiency Party</b></p>

<b>Form of back of ballot paper</b>
-------------------------------------

Number:

Other unique identifying mark:

Election for the [insert name] ward of the [insert name of the community] on [insert date of poll] OR (in the case of a community that is not divided into wards) Election for the [insert name of the community] on [insert date of poll]

#### **Form of Directions as to Printing the Ballot Paper**

1. Nothing may be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the directions set out in paragraphs 3 to 13 must be followed in the printing of the ballot paper.
3. No word may be printed on the front of the ballot paper except:
  - (a) the heading “Election of councillors to [insert the name of the county or county borough council]”;
  - (b) the direction “Vote for only one candidate by putting a cross [x] in the box next to your choice” or, where more than one candidate is to be elected, “Vote for no more than [insert the number of candidates to be elected] by putting a cross [x] in the box next to each of your choices”;
  - (c) the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated;
  - (d) words forming part of any emblem to be included against the candidate’s particulars.
4. A box must be printed around the heading referred to in paragraph 3(a) and the direction referred to in paragraph 3(b), and the heading and direction must be separated within the box by a horizontal line extending across it.
5. No line may be printed on the front of the ballot paper except:
  - (a) as part of the box referred to in paragraph 4;
  - (b) the horizontal line referred to in that paragraph;
  - (c) a horizontal line above the particulars of the first candidate;
  - (d) horizontal lines separating the particulars of each candidate from the particulars of the other candidates;
  - (e) a horizontal line below the particulars of the last candidate; and
  - (f) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal lines referred to in paragraph 5(c), (d) and (e) must be equally spaced and the space between each of them must be a minimum of 2.5 centimetres.
7. The boxes referred to in paragraph 5(f) must not touch any horizontal line and each one must be equidistant

between the horizontal line above it and the horizontal line below it.

8. Each of the horizontal lines referred to in paragraph 5(c) and (d) must extend from a point level with the text on the left-hand side of the page to a point directly above the centre of the box below that line.

9. The horizontal line referred to in paragraph 5(e) must:  
(a) extend from a point level with the text on the left-hand side of the page to a point directly below the right-hand edge of the box above that line; and  
(b) be thicker than the other horizontal lines.

10. Where a registered emblem is to be printed against a candidate's particulars:  
(a) it must be printed adjacent to and to the right of the candidate's particulars; and  
(b) its size as printed must not exceed 2 centimetres square.

11. All the words on the front of the ballot paper must appear in the same large type except that:  
(a) the heading referred to in paragraph 3(a) must appear in very large and bold type;  
(b) in the direction referred to in paragraph 3(b), the words "only one candidate" or, as the case may be, "no more than [insert the number of candidates to be elected] candidates" must appear in very large and bold type;  
(c) the remainder of that direction must appear in very large type; and  
(d) the names of the candidates and the descriptions (if any) must appear in bold type.

12. The surnames of each candidate must appear in capitals and the candidate's other names and any description must be in lower case with initial capitals.

13. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.

**Appendix 3**  
**Rule 23**

<b>Corresponding Number List</b>	
Corresponding Number List: Part 1 (to be completed in respect of ballot papers to be issued to postal voters) Electoral area: Date of poll: Sheet no:	
<b>Ballot Paper Number</b>	<b>Unique Identifying Mar</b>


Corresponding Number List: Part 2  
 (to be completed in respect of ballot papers to be provided at polling stations)  
 Electoral area:  
 Date of poll:  
 Polling station:  
 Sheet no:

Ballot Paper Number	Elector Number

**Appendix 4  
 Rule 28(1)**

Form of Postal Voting Statement
<p>Voter's name:            Ballot paper No:            (The returning officer must omit the name where the ballot papers are sent or delivered to an elector with an anonymous entry in the register.)</p> <p>Please read the instructions at the end before completing this form and the ballot paper.</p> <p>I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT OR DELIVERED TO.</p> <p>Voter's date of birth (in the format dd/mm/yyyy):</p> <p>*Signature: <input style="width: 150px; height: 15px;" type="text"/></p> <p>(Keep signature within border)</p> <p>* The returning officer must omit the requirement for a signature where the person has been granted a waiver.</p> <p><b>Warning: Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or</b></p>

**interfere with another voter's ballot paper. It is illegal to vote more than once (unless you are appointed as proxy for another elector) at the same election.**

**Instructions on marking the ballot papers and completing the postal voting statement**

1. Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates. (The returning officer must select the wording that is appropriate for the election.)
2. Mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name of the candidate(s) you are voting for. Do not mark your ballot paper in any other way or your vote(s) may not be counted.
3. If you need help voting, the person helping you must not tell anyone how you voted.
4. Put the ballot paper in the small envelope marked **A** and seal it.
5. Complete the postal voting statement by signing it and providing your date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you sign the statement.\*

\*Where the requirement for a signature has been waived, the returning officer must change this instruction so that it reads:

5. Complete the postal voting statement by providing your date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you complete the postal voting statement.
6. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. It is preferable to return it straightaway.

**7. After receiving the postal vote, you cannot vote in person at a polling station at this election.**

8. If you accidentally spoil your ballot paper, you can apply to the returning officer for a replacement before 5 pm on [insert the date of the poll]. You must return the spoiled ballot paper, the postal voting statement and the envelopes marked A and B. Make sure you contact the Returning Officer as soon as possible. [Returning officer to provide contact details for assistance]
9. Your ballot paper and the postal voting statement must be—
  - (a) sent by post to the returning officer in sufficient time for it to be received by the returning officer before 10 pm on [insert the date of the poll];
  - (b) given by hand to the returning officer before 10 pm on

[insert the date of the poll]; or  
(c) handed in on [insert date of the poll] at any polling station in the electoral area before 10 pm.

## Appendix 5

### Rule 31(6)

#### Poll Cards

#### Official Poll Card (to be sent or delivered to an elector voting in person)

Front of card

Official Poll Card	
Council: Electoral area: Polling Day: Polling Hours: 7 am to 10 pm Your polling station will be:	Number on register: *Name: *Address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.

**\*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk there.**

See further information on the back of this card.

Back of card

Local Government Election

\*When you go to the polling station, tell the clerk your name and address, as shown on the front of this card.

\*The clerk will confirm your details on the register.

When you are given your ballot paper, go to one of the polling booths. Mark a cross (x) in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.

**Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.** (The returning officer must select the wording that is appropriate for the election.)

**Do not put any other mark on the back of the ballot paper or your vote may not be counted.**

If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.

When you have marked the ballot paper, fold it in two.

Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll, there are other ways of voting.

(1) You can apply to vote by post. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a postal vote, you will not be entitled to vote in person at this election.

(2) You can apply to vote by proxy (this means someone can vote on your behalf). Your application must normally be received before 5pm on [insert the deadline date]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you.

In certain circumstances it may be possible to apply to vote by proxy after [insert the deadline date].

If you want to vote by post or proxy, please contact [insert helpline number] as soon as possible.

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**You must have this card with you when you vote. You cannot vote without it.**

**When you go to the polling station, ask to speak to the presiding officer and show them this card.**

**The presiding officer will confirm your entry on the register.**

**Official Postal Poll Card (to be sent or delivered to an elector voting by post)**

**Front of card**

**Official Postal Poll Card**

Council: Electoral area: For the election on: [insert date of poll] Number on register: *Name and address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry.	This card is to tell you that you have asked to vote by post for this election, and you will not be able to vote in person in a polling station. If you want to cancel your postal vote please call the helpline number [insert helpline number] before 5 pm on [insert deadline date].
---	---

<p>A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.</p>	<p><b>We will send or deliver your postal voting papers around [ ], addressed to [insert name and address].</b>  <b>If your postal voting papers have not arrived by [insert date], call [insert helpline number] and ask for help.</b></p>
--	---

If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5pm on [insert date of poll.]

**This card is to provide you with information about voting by post.**

See further information on the back of this card.

Back of card

Local Government Election

When you receive your postal voting pack, please read the instructions with it carefully when completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the returning officer by calling the helpline on [insert helpline number].

You must **sign** the postal voting statement and **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your signature and date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your signature and date of birth against other records that they hold.\*

\*Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead.

You must **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].

It is preferable to complete and return your postal vote as soon as possible. The returning officer must receive your postal vote before 10 pm on [insert date of the poll]. You

can deliver your completed postal voting statement and ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll].

You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the electoral area before 10 pm.

If you want to vote in person at the elections, you must cancel your postal vote before 5 pm on [insert deadline].

If you need any assistance, please call the helpline on [ ].

**It is an offence to vote using a ballot paper that was not addressed to you.**

Issued by the returning officer

**Official Proxy Poll Card (to be sent or delivered to a proxy voting in person)**

Front of card

<b>Official Proxy Poll Card</b>	
Council: Electoral area: Polling Day: Polling Hours: 7 am to 10 pm Your polling station will be:	*This poll card is to tell you that for this election the elector named on the back of this card has appointed you as their proxy. *Proxy's name: *Proxy's address: *Note: This section is to be omitted where the poll card is sent or delivered to the proxy of an elector with an anonymous entry. A poll card sent or delivered to the proxy of an elector with an anonymous entry must be sent or delivered in a sealed envelope.

**\*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk there.**

See further information on the back of this card.

Back of card

Local Government Election *This poll card is to tell you that for this election you are appointed as proxy for: *[Insert elector's name] *[Insert elector's address] *[Insert elector's number on register]
---

\*When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the elector shown above.  
\*The clerk will confirm the details on the register.

When you are given the ballot paper, go to one of the polling booths. Mark a cross (x) in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) the elector is voting for.

**Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.** (The returning officer must select the wording that is appropriate for the election.)

**Do not put any other mark on the back of the ballot paper or the vote may not be counted.**

If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.

When you have marked the ballot paper, fold it in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

The person who appointed you as proxy may vote at this election. If they wish to do so, they must vote in person before you vote on their behalf.

If you will be away on the date of the poll, you can apply to vote by post as proxy. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a proxy postal vote, neither you (on the elector's behalf) nor the elector will be entitled to vote in person at this election.

**It is illegal to do any of the following—**

Vote more than once (unless you are appointed as proxy for another elector) at the same election.

Vote as proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Vote as proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on [ ].

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**You must have this card with you when you vote. You**

**cannot vote as proxy without it.**

You are entitled to vote as proxy for the elector whose electoral number is shown below.

(Elector's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card. The clerk will confirm the details on the register.

**Official Proxy Postal Poll Card (to be sent or delivered to a proxy voting by post)**

**Front of card**

**Official Proxy Postal Poll Card**

Council:  
Electoral area:  
For the election on: [insert date of poll]:  
Proxy's name and address:

This poll card is to tell you that for this election the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. **You will not be able to vote on behalf of the elector in a polling station.** If you want to cancel this postal vote and vote in person on polling day, please call the helpline shown below before 5pm on [insert date of deadline].  
**We will send or deliver the proxy postal voting papers around [insert date ].**  
**If the proxy postal voting papers have not arrived by [insert date], please call [insert helpline number] and ask for help.**

If you lose or accidentally spoil the elector's postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 pm on [insert date of the poll].

**This card is to provide you with information about voting by post as proxy.**

See further information on the back of this card.

**Back of card**

Local Government Election

**\*This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post:**

\*[Insert elector's name]

\*[Insert elector's address]

When you receive your postal voting pack, please read the instructions with it carefully when completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the returning officer by calling the helpline on [insert helpline number].

You must **sign** the postal voting statement and **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The returning officer can cross-check your signature and date of birth against other records that they hold.\*

\*Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead.

You must **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].

It is preferable to complete and return the postal vote as soon as possible. The returning officer must receive the postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll]. You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the electoral area before 10 pm.

If you want to vote in person as proxy at the election, you must cancel your postal vote before 5 pm on [insert deadline].

**It is illegal to do any of the following—**

Vote more than once (unless you are appointed as proxy for another elector) at the same election

Vote as proxy at the same election for two or more persons unless you are their spouse, civil partner, parent,

grandparent, brother, sister, child or grandchild  
Vote as proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on [ ].  
Issued by the returning officer

Alternative text where the elector has an anonymous entry  
\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry, substitute for the paragraphs above marked with an asterisk the following paragraphs:

**This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote by post.**

You are entitled to vote as proxy for the elector whose electoral number is shown below:

(Insert elector's number on register)

## **Appendix 6**

### **Rule 32(9)**

#### **Guidance for Voters**

1. When you are given your ballot paper, go to one of the polling booths.
2. Mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.
3. Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.\*
4. Put no other mark on the ballot paper or your vote(s) may not be counted.
5. Fold the ballot paper in two.
6. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see your vote.
7. Put the ballot paper in the ballot box and leave the polling station.
8. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

\* The returning officer must choose whichever direction is appropriate for the election.

## **Appendix 7**

### **Rule 37(4), (5)**

#### **Form of certificate as to duties**

Election in the [insert name] electoral area of [insert name] of the community in respect of which the election is held]

I certify that [insert name] whose number in the register of electors for the electoral area named above is [insert number in the register] cannot reasonably be expected to go in person to the polling station allotted to them at the election on [insert date of the poll] because of the circumstances of their duties on that day for a purpose connected with the election.

Appropriate signature:

Date:

The appropriate signature is the signature of the returning officer where the person named is a member of the returning officer's staff and the signature of a police officer of the rank of Inspector or above where the person named is a constable, community support officer or community support volunteer.

*Note:* The person named is entitled to vote at any polling station in the electoral area on production and surrender of the certificate to the presiding officer.

## **Appendix 8**

### **Rule 44(6)**

#### **Form of declaration to be made by the companion of a voter with disabilities**

I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted], whose number on the register is [insert number of voter being assisted], to give their vote at the election now being held in this electoral area, hereby declare that\*—

I am entitled to vote as an elector at the election (see note 1), OR

I am the [insert relationship of the companion to the voter] of the voter and have attained the age of 16 (see note 1)

I have not previously assisted any voter with disabilities to vote except [insert the name and address of any other voter who has been assisted by the companion to vote at the election] (see note 2).

Signed by companion:

Date:

\*If the companion is asked to assist a voter with disabilities voting as proxy the opening words of the declaration must instead be "I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted] who is voting as proxy for [insert name of elector], whose number on the register is [insert number of elector], to give their vote at the election now being held in this electoral area hereby declare that—".

I, the undersigned, being the presiding officer for [insert name of polling station] for the [insert name] electoral area

of [insert name of community] hereby certify that the above declaration was read to the companion and was signed by the companion in my presence.

Signed by presiding officer:

Date:

Time:

**Notes to the form of declaration by the companion of a voter with disabilities**

1. The companion is eligible to assist the voter if the companion is either (a) entitled to vote as an elector at the election, or (b) is a relative of the voter and has attained the age of 16 (see rule 44(5)). A person is a “relative” of the voter if they are the grandparent, parent, brother, sister, spouse, civil partner, child or grandchild of the voter.
2. The companion may have assisted one (and only one) other person to vote at the election.
3. A voter with disabilities is a voter who has made a declaration under rule 44(2) that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.
4. *A person who, in making the declaration set out in this form, knowingly and wilfully makes a statement that is false in a material particular is guilty of an offence.*

**SCHEDULE 2**      Rule 4(3)

**Rules for Conduct of an Election of  
Councillors for a Community Council  
where Poll is Taken Together with Poll at  
Another Election**

**PART 1**

**Provisions as to Time**

**Timetable**

1.—(1) The proceedings at the election must be conducted in accordance with the following timetable.

**Timetable**

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than 4 p.m. on the nineteenth day before the day of election

Delivery of notices of withdrawals of candidature	Not later than 4 p.m. on the nineteenth day before the day of election
Publication of statement as to persons nominated	Not later than 4 p.m. on the eighteenth day before the day of election
Notice of uncontested election Notice of poll in contested election	Not later than the sixth day before the day of election
Polling	Between the hours of 7 a.m. and 10 p.m. on the day of election

(2) In this rule, “the day of election” means the day specified in the notice of election as the day on which a poll would take place in the event of a contest.

### **Computation of time**

**2.**—(1) An excluded day is to be disregarded in calculating any period set out in the second column of the timetable in rule 1.

(2) No proceedings under these rules up to the close of the poll may take place on an excluded day.

(3) The returning officer is not required to proceed with the counting of votes on an excluded day.

## **PART 2**

### **Notice of Election, Nomination and Method of Election**

#### **Notice of Election**

### **Notice of election**

**3.**—(1) The returning officer must publish notice of the election.

(2) The notice must state—

- (a) the number of councillors to be returned for each electoral area,
- (b) the date of the poll in the event of a contest,
- (c) the place where, and the times at which, forms of nomination paper may be obtained, and
- (d) the place where, and the times at which, nomination papers may be delivered.

(3) The notice must also state the date by which applications to vote by post or by proxy, and other applications and notices about postal or proxy voting, must reach the registration officer in order to be effective for the election.

(4) *[The returning officer may also include in the notice either or both of the following statements—*

- (a) *a statement that forms of nomination papers may be obtained online, with information about how and when that may be done;*
- (b) *a statement that nomination papers may be delivered by being submitted online, with information about how and when that may be done.]*

#### Nomination

#### **Duty of returning officer to supply forms of nomination etc.**

**4.**—(1) At the place and times for obtaining forms of nomination paper set out in the notice of election, the returning officer must—

- (a) supply any person with as many forms of nomination paper as the person may require, and
- (b) on request, prepare a nomination paper for signature

(2) *[If the notice of election states that forms of nomination paper may be obtained online, the returning officer must make arrangements for this in accordance with the information given in the notice.]*

(3) It is not, however, necessary for a nomination to be made on a form supplied by the returning officer *[or obtained online.]*

#### **Nomination of candidates**

**5.**—(1) A candidate must nominate themselves using a nomination paper in the form in Appendix 1 or a form to the like effect.

(2) The nomination paper must be delivered to the place specified by the returning officer in the notice of election *[or, if the notice of election states that nomination papers may be delivered by being submitted online, by submission online in accordance with the information given in the notice.]*

(3) The nomination paper must—

- (a) state the candidate's full names, with the surnames placed first,
- (b) if the candidate wishes, include a description that complies with rule 6,
- (c) include a statement of party membership that complies with rule 8, and
- (d) include the declarations by the candidate set out in the form in Appendix 1.

(4) If a candidate commonly uses forenames or surnames that are different in any respect from the forenames or surnames stated in accordance with

paragraph (3)(a) (including where the difference is that the commonly used forenames or surnames are in a different order, include only some of the names or include additional names), the nomination paper may also state the commonly used forenames or surnames.

(5) The nomination paper must be signed by the candidate in the presence of a witness who must attest the signature.

(6) The witness must be an elector and must complete a declaration set out in the form in Appendix 1.

(7) The nomination paper must be accompanied by a form (a “home address form”) that complies with rule 9.

(8) In this rule, “elector” means a person who is registered in the register of local government electors for the electoral area in question on the last day for publication of the notice of election, except that—

- (a) it includes a person then shown in the register as below voting age only if it appears from the register that they will be of voting age on the day fixed for the poll, and
- (b) it does not include a person who has an anonymous entry in the register.

#### **Nomination papers: descriptions**

**6.—**(1) This rule sets out requirements about the descriptions that may be included in a nomination paper as mentioned in rule 5(3)(b).

(2) The description may be either—

- (a) a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under paragraph (3) or (as the case may be) paragraph (4), or
- (b) the word “Independent”.

(3) A description that is likely to lead electors to associate the candidate with a registered political party is permitted where—

- (a) the party is a qualifying party,
- (b) the description is either—
  - (i) the party’s registered name or, if the party has registered a name in English and a name in Welsh, either or both of those names, or
  - (ii) a registered description of the party or, in the case of a description that has been registered in both English and Welsh, either or both of those descriptions, and
- (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of the party

and received by the returning officer before the last time for the delivery of nomination papers.

(4) A description that is likely to lead electors to associate the candidate with two or more registered political parties is permitted where—

- (a) the parties are each qualifying parties,
- (b) the description consists of the registered name of each of the parties shown in either or both of the versions described in paragraph (5), and
- (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of each of the parties and received by the returning officer before the last time for the delivery of nomination papers.

(5) The versions referred to in paragraph (4)(b) are—

- (a) a version showing (in any order) the parties' registered names, together with the addition of any appropriate conjunctions and punctuation in English ("the English version");
- (b) a version showing (in any order) the parties' registered names, together with the addition of any appropriate conjunctions and punctuation in Welsh ("the Welsh version").

(6) Where any of the parties has registered a name in English and a name in Welsh—

- (a) the party's registered name in English (and not the party's registered name in Welsh) may be used in the English version, and
- (b) the party's registered name in Welsh (and not the party's registered name in English) may be used in the Welsh version.

(7) See also rule 7 (which sets out when and how the word "Wales", "Welsh", "Cymru" or "Cymreig" may be added to descriptions permitted under paragraph (3) or (4)).

(8) A person is guilty of a corrupt practice if that person fraudulently purports to be authorised to issue a certificate under paragraph (3)(c) or (4)(c) on behalf of a registered political party's nominating officer.

(9) In this rule—

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

(10) For the purposes of the application of this rule in relation to an election—

- (a) “registered political party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day that is two days before the last day for the delivery of nomination papers at the election (disregarding any excluded day);
- (b) a registered political party is a qualifying party if, on that day, the party is registered in respect of Wales in the Great Britain register maintained under Part 2 of that Act.

### **Addition of “Wales”, “Welsh”, “Cymru” or “Cymreig”**

7.—(1) This rule sets out when and how a candidate may make additions in a nomination paper to a description that the candidate is permitted to use under rule 6(3) or (4).

(2) Paragraph (3) applies where—

- (a) a registered name is or forms part of a description that a candidate is permitted to use under rule 6(3), and
- (b) the registered name includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.

(3) The candidate may do one of the following—

- (a) add the word “Wales” before the name;
- (b) add the word “Welsh” before the name;
- (c) add the word “Cymru” after the name;
- (d) add the word “Cymreig” after the name.

(4) Paragraph (5) applies where—

- (a) a registered name forms part of a description that a candidate is permitted to use under rule 6(4), and
- (b) the registered description includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.

(5) If the registered name is in the English version of the description (whether or not it is also in the Welsh version), the candidate may add either the word “Wales” or the word “Welsh” before the name in that version.

(6) If the registered name is in the Welsh version of the description (whether or not it is also in the English version), the candidate may add either the word “Cymru” or the word “Cymreig” after the name in that version.

(7) Paragraph (8) applies where—

- (a) a registered description is or forms part of a description that a candidate is permitted to use under rule 6(3), and

(b) the registered description includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.

(8) The candidate may do one of the following—

- (a) add the word “Wales” at the beginning of the description;
- (b) add the word “Welsh” at the beginning of the description;
- (c) add the word “Cymru” at the end of the description;
- (d) add the word “Cymreig” at the end of the description.

(9) For the purposes of paragraphs (3)(a) and (b) and (5), where the word “the” (or any word in another language that has the same function as the word “the”) appears at the beginning of a registered name, it must be ignored.

(10) Where a candidate adds anything to a description in a nomination paper in accordance with this rule, references in the following provisions of this Schedule to the description are references to the description with the addition.

#### **Nomination papers: statements of party membership**

**8.—**(1) This rule sets out the requirements for statements of party membership that must be included in nomination papers as mentioned in rule 5(3)(c).

(2) The statement must state whether the candidate has been a member of any registered political party at any time during the relevant period.

(3) If the candidate has been a member of one or more registered political parties at any time during the relevant period, the statement must also include the following information in relation to the party or (as the case may be) each of the parties of which the candidate has been a member—

- (a) the party’s registered name or, where the party has two registered names, the party’s registered names, and
- (b) the times during the relevant period when the candidate has been a member of the party.

(4) Paragraph (3) does not apply where—

- (a) the nomination paper includes a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under rule 6(3) or (as the case may be) rule 6(4), and
- (b) the candidate has not at any time during the relevant period been a member of a registered political party other than the party or parties to which that description relates.

(5) A candidate who knowingly fails to include in the nomination paper a statement of party membership that complies with the requirements of this rule is guilty of a corrupt practice.

(6) In this rule—

- (a) “registered political party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 at any time during the relevant period when the candidate is a member;
- (b) references to a registered name of a registered political party are to a name of the party registered under section 28 of that Act;
- (c) “the relevant period” means the period of 12 months ending with the day on which the candidate’s nomination paper is delivered.

**Home address forms**

9.—(1) This rule sets out the requirements for home address forms that must accompany nomination papers under rule 5(7).

(2) A home address form must state—

- (a) the candidate’s full names,
- (b) the candidate’s home address in full,
- (c) the candidate’s qualifying address or addresses, and
- (d) the qualification to which each qualifying address relates.

(3) The candidate’s qualifying address or addresses, and the qualification to which each qualifying address relates, depend on which one or more of options (a) to (d) on the nomination paper have been selected by the candidate, as set out in the following table.

<i>Option selected on nomination paper</i>	<i>Candidate’s qualifying address</i>	<i>Qualification to which candidate’s qualifying address relates</i>
Option (a)	The address in full in respect of which the candidate is registered as a local government elector	The qualification described in option (a) (registration as a local government elector for the area of the community)
Option (b)	A description and the address	The qualification

	of the land or premises that the candidate has occupied as owner or tenant (or, if the candidate is relying on more than one occupation to meet the qualification, the descriptions and addresses)	described in option (b) (occupation as owner or tenant of land or other premises in the community)
Option (c)	The address of the candidate's place of work (or, if the candidate is relying on more than one place of work to meet the qualification, the addresses)	The qualification described in option (c) (principal or only place of work in the community)
Option (d)	The address or addresses in full where the candidate has resided	The qualification described in option (d) (residence in the community or within 3 miles of it)

(4) If the candidate's nomination paper includes commonly used forenames or surnames, the home address form must also state the commonly used names.

(5) The home address form must also state—

- (a) the full names of the person who witnesses the candidate's signature on the nomination paper, and
- (b) that person's home address in full.

(6) The home address form may contain a statement made and signed by the candidate that the candidate's home address must not be made public.

(7) If the home address form contains such a statement, it must—

- (a) where the candidate's home address is in the United Kingdom, state the name of the relevant area (see paragraph (8));
- (b) where the candidate's home address is outside the United Kingdom, state the country in which it is situated.

- (8) In this rule, “relevant area” means—
- (a) where the candidate’s home address is in Wales—
    - (i) if the address is within a county, that county;
    - (ii) if the address is within a county borough, that county borough;
  - (b) where the candidate’s home address is in England—
    - (i) if the address is within a district for which there is a district council, that district;
    - (ii) if the address is within a county in which there are no districts with councils, that county;
    - (iii) if the address is within a London borough, that London borough;
    - (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London;
    - (v) if the address is within the Isles of Scilly, the Isles of Scilly;
  - (c) where the candidate’s home address is in Scotland, the local government area in which the address is situated;
  - (d) where the candidate’s home address is in Northern Ireland, the local government district in which it is situated.

#### **Decisions as to validity of nomination papers**

**10.**—(1) This rule applies where a nomination paper and the accompanying home address form are delivered in accordance with these rules.

(2) The candidate stands nominated unless and until one of the following events occurs—

- (a) the returning officer decides that the nomination paper is invalid;
- (b) the returning officer is satisfied that the candidate has died;
- (c) the candidate withdraws.

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

- (a) that the particulars of the candidate are not as required by law;
- (b) that the statement of party membership included in the nomination paper does not comply with rule 8;
- (c) that the candidate’s home address form does not comply with rule 9(2) to (6);

(d) where the candidate's home address form contains a statement that the home address must not be made public, that the form does not comply with rule 9(7);

(e) that the nomination paper is not signed by the candidate, or that the candidate's signature has not been attested, as required by rule 5(5).

(4) Subject to paragraph (5), the returning officer must, as soon as reasonably practicable after each nomination paper and home address form have been delivered, examine them and decide whether the candidate has been validly nominated.

(5) If in the opinion of the returning officer a description in a nomination paper has been included in breach of rules 6(3) or (4) or 7, the returning officer must give a decision that the candidate's particulars are not as required by law—

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

(b) in any event, before the end of the period of 24 hours beginning with the close of the period for delivery of nomination papers.

(6) Where the returning officer decides that a nomination paper is invalid, the returning officer must endorse on the paper the fact of the decision and the reasons for it and sign the endorsement.

(7) The returning officer must give a notice to each candidate stating the returning officer's decision as to whether the candidate's nomination paper is valid or invalid.

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

(9) Except as provided by paragraph (8), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Nomination in more than one electoral area**

**11.**—(1) A candidate who is validly nominated for more than one electoral area of the same community must withdraw from candidature in all those electoral areas except one.

(2) A candidate who does not withdraw as required by paragraph (1) is to be treated as having withdrawn from candidature in all the electoral areas in which the candidate was validly nominated.

### **Withdrawal of candidates**

**12.**—(1) A candidate may withdraw from candidature by giving a notice of withdrawal to the returning officer.

(2) The notice of withdrawal must be signed by the candidate in the presence of a witness who must attest the candidate's signature.

### **Publication of statement of persons nominated**

**13.**—(1) The returning officer must prepare and publish a statement (a “statement of persons nominated”) showing—

- (a) the persons who have been and stand nominated, and
- (b) any other persons who have been nominated but no longer stand nominated, with the reason why they no longer stand nominated.

(2) The statement must show—

- (a) the names and descriptions (if any) of the persons nominated, as given in their nomination papers,
- (b) their home address information, (see paragraph (3)), and
- (c) the information contained in their statements of membership of political parties, as given in their nomination papers.

(3) In these rules, references to the home address information of a person nominated are to the following information as given in the home address form accompanying the nomination paper—

- (a) where the home address form contains a statement that the home address must not be made public, the information given in accordance with rule 9(7);
- (b) where the home address form does not contain such a statement, the address of the person nominated.

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

(5) Rule 14 (use of commonly used names) and rule 15 (names that are the same or similar) make further provision about the content of the statement of persons nominated.

### **Use of commonly used names in statement of persons nominated**

**14.**—(1) This rule applies where a person's nomination paper gives commonly used forenames or surnames in accordance with rule 5(4).

(2) The statement of persons nominated must show the person's commonly used forenames or surnames (instead of the forenames or surnames stated in the nomination

paper in accordance with rule 5(3)(a)) unless the returning officer decides—

- (a) that the use of the person's commonly used forenames or surnames may be likely to mislead or confuse electors, or
- (b) that the commonly used forenames or surnames are obscene or offensive.

(3) Where paragraph(2)(a) or (b) applies—

- (a) the statement of persons nominated must show the person's other forenames or surnames as stated in the nomination paper in accordance with rule 5(3)(a) (instead of the commonly used forenames or surnames), and
- (b) the returning officer must give a notice to the candidate stating the reasons for refusing to allow the use of the commonly used forenames or surnames.

### **Names that are the same or similar**

**15.**—(1) This rule applies where, in preparing a statement of persons nominated, the returning officer decides that—

- (a) two or more of the names that would be shown on the statement are the same or so similar as to be likely to cause confusion,
- (b) each of the persons concerned has made a statement that they require their home address not to be made public (see rule 9(6)), and
- (c) the information given in accordance with rule 9(7) is the same for each of them.

(2) The returning officer may arrange for any of their particulars to be shown on the statement of persons nominated with such amendments or additions as the returning officer thinks appropriate to reduce the likelihood of confusion.

(3) In deciding whether to make amendments or additions under this rule, the returning officer must have regard to any guidance given by the Electoral Commission for the purposes of this rule.

(4) Where it is practicable to do so before the publication of the statement, the returning officer must consult any persons whose particulars are to be amended or added to under this rule.

(5) The returning officer must give a notice to any person whose particulars are amended or added to under this rule, setting out the amendments or additions.

(6) Anything done by a returning officer under this rule may not be questioned in any proceedings other than proceedings on an election petition.

### **Correction of minor errors in a nomination paper or home address form**

**16.**—(1) A returning officer may, at any time before the publication of the statement of persons nominated, correct minor errors in a nomination paper or home address form.

(2) Errors which may be corrected include—

- (a) errors as to a person’s electoral number;
- (b) obvious errors of spelling;
- (c) errors as to the information given in accordance with rule 9(7) (information that must be included where the candidate has stated that the home address must not be made public).

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

(4) In deciding whether to correct minor errors under this rule, a returning officer must have regard to any guidance given by the Electoral Commission for the purposes of this rule.

### **Inspection of nomination papers**

**17.**—(1) During the time for inspection, any person may inspect nomination papers that have been delivered.

(2) In paragraph (1), “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.

(3) A person inspecting nomination papers may take a copy of, or make extracts from, the papers.

### **Inspection of home address forms**

**18.**—(1) During the time for inspection, the home address form of a candidate standing nominated may be inspected by any of the following who wish to inspect it—

- (a) another candidate standing nominated in the same electoral area;
- (b) the election agent (if appointed) of another candidate standing nominated in that area;
- (c) in the case of another candidate standing nominated in that area who has not appointed an election agent, another person selected by that candidate.

(2) In paragraph (1), “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.

(3) A candidate or other person carrying out an inspection under this rule must not take a copy of, or make extracts from, a home address form.

(4) The returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule or for some other purpose authorised by law.

### **Adjournment of nomination proceedings in the case of riot**

**19.**—(1) This rule applies if proceedings for, or in connection with, nomination are interrupted or obstructed on any day by riot or open violence.

(2) The proceedings must be abandoned for that day.

(3) If the day on which the proceedings are abandoned is the last day for the delivery of nomination papers, the proceedings must be resumed on the next day (as if it were instead the last day for the delivery of nomination papers).

(4) Where proceedings are resumed on the next day as required by paragraph (3), that day must be treated for the purposes of these rules as being the last day for delivery of nomination papers (subject to any further application of paragraph (3) in the event of interruption or obstruction on that day).

(5) Where proceedings are abandoned under this rule—

- (a) nothing may be done after the proceedings are resumed if the time for doing it had passed when the proceedings were abandoned, and
- (b) nothing done before the proceedings were abandoned is invalidated by reason of the abandonment.

### Method of Election

### **Decision as to whether election is contested and next steps**

**20.**—(1) The returning officer must determine whether the number of persons remaining validly nominated for the electoral area after any withdrawals under rule 12 exceeds the number of councillors to be elected.

(2) If the number of persons remaining validly nominated does not exceed the number of councillors to be elected, the returning officer must declare the person or persons standing validly nominated to be elected.

(3) The returning officer must also—

- (a) give a notice stating the names of those declared to be elected—
  - (i) to the proper officer of the community council, and

(ii) to the proper officer of the council of the county or county borough in which the community is situated, and

(b) publish their names.

(4) If the number of persons remaining validly nominated exceeds the number of councillors to be elected, a poll must be taken in accordance with Part 3.

## PART 3

### The Poll at Contested Elections

#### General Provisions

#### **Poll to be taken by ballot**

**21.**—(1) The votes at the poll must be given by ballot.

(2) The result must be ascertained in accordance with Part 4 (counting of votes).

#### **The ballot papers**

**22.**—(1) The ballot of every voter must consist of a ballot paper.

(2) The only persons entitled to have their names inserted on the ballot paper are those remaining validly nominated for the electoral area after any withdrawals under rule 12.

(3) A ballot paper must be—

- (a) in the form in Appendix 2, and
- (b) printed in accordance with the directions in that Appendix.

(4) The ballot paper must—

- (a) contain the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated,
- (b) be capable of being folded up,
- (c) have a number and other unique identifying mark printed on the back, and
- (d) be of a different colour to that of any ballot papers used at a relevant election.

(5) At the request of a candidate who is authorised under rule 6(3)(c) to use a description likely to lead electors to associate the candidate with a registered political party, the ballot paper must contain, against the candidate's particulars, one registered emblem of the party.

(6) At the request of a candidate who is authorised under rule 6(4)(c) to use a description likely to lead electors to associate the candidate with two or more registered political parties, the ballot paper must contain,

against the candidate's particulars, one registered emblem of one of the parties.

(7) The candidate's request under paragraph (5) or (6) must be—

- (a) made in writing to the returning officer, and
- (b) received by the returning officer before the last time for the delivery of nomination papers as set out in the timetable in rule 1.

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

### **Corresponding number list**

**23.**—(1) The returning officer must prepare a list (“the corresponding number list”) in accordance with this rule.

(2) The corresponding number list must be in two parts.

(3) Part 1 must contain the numbers and unique identifying marks of all ballot papers to be issued in pursuance of rule 28(1) (postal ballot papers).

(4) Part 2 must contain the numbers (but not the unique identifying marks) of all ballot papers to be provided in pursuance of rule 32(1) (provision of ballot boxes and ballot papers at polling stations).

(5) The corresponding number list must be in the form set out in Appendix 3 or a form to the like effect.

(6) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **The official mark**

**24.**—(1) Each ballot paper must contain an appropriate security marking (“the official mark”).

(2) The official mark must be kept secret.

(3) An interval of not less than five years must intervene between the use of the same official mark at elections for the same community.

(4) The returning officer may use a different official mark for different purposes at the same election.

### **Prohibition of disclosure of vote**

**25.** A person who has voted at the election may not be required to state for whom they voted in any legal proceedings to question the election.

### **Use of schools and public rooms**

**26.**—(1) The returning officer may use any of the following rooms free of charge for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a county or county borough council;
- (b) a room in a school in respect of which grants are made out of money provided by Senedd Cymru, or by Parliament, to the person or body responsible for the management of the school;
- (c) any other room if the expense of maintaining the room is payable wholly or mainly out of public funds.

(2) Where a room described in paragraph (1) is used for the purpose of taking the poll or counting the votes, the returning officer must—

- (a) make good any damage to the room resulting from its use for that purpose, and
- (b) defray any expense incurred by the person or body having control over the room by reason of its use for that purpose.

Action to be taken before the poll

### **Notice of poll**

**27.**—(1) The returning officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll,
- (b) the number of councillors to be elected for the electoral area, and
- (c) the names and descriptions (if any) of each candidate remaining validly nominated and their home address information.

(2) The candidates' particulars, and the order of the candidates' names, must be the same as in the statement of persons nominated.

(3) The returning officer must, before or at the same time as notice of the poll is published, publish notice of—

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

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

- (a) state that the poll at the community election is to be taken together with the poll at a relevant election,
- (b) specify the constituency or, as appropriate, other area to which the relevant election relates, and
- (c) where any of the polls are to be taken together only in part of the community, specify that part.

(5) The returning officer must, as soon as practicable after publishing notice under paragraph (3), give a copy of it to each of the candidates or their election agents (if appointed).

(6) Where the returning officer is not the co-ordinating returning officer, see also rules 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under paragraphs (3) to (5) are to be discharged by the co-ordinating returning officer).

### **Postal ballot papers**

**28.**—(1) The returning officer must, in accordance with regulations under the 1983 Act, issue to those entitled to vote by post—

- (a) a ballot paper,
- (b) a postal voting statement in the form set out in Appendix 4 or a form to the like effect, and
- (c) such envelopes for the return of the ballot paper and postal voting statement as may be prescribed by regulations under that Act.

(2) The returning officer must also issue to those entitled to vote by post such information as the returning officer considers appropriate about how to obtain—

- (a) translations into languages other than English and Welsh of any directions to or guidance for voters sent with the ballot paper,
- (b) a translation into Braille of such directions or guidance,
- (c) graphical representations of such directions or guidance, and
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision—

- (a) for the form to be signed by the elector or, where the elector is voting by proxy, the proxy, unless the registration officer has dispensed with the requirement for a signature, and
- (b) for stating the date of birth of the elector or, where the elector is voting by proxy, the proxy.

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

(5) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Provision of polling stations**

**29.**—(1) The returning officer must—

- (a) provide a sufficient number of polling stations, and
- (b) allot the electors to the polling stations.

(2) One or more polling stations may be provided in the same room.

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

(4) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Appointment of presiding officers and clerks**

**30.**—(1) The returning officer must appoint and pay—

- (a) a presiding officer to attend at each polling station, and
- (b) such number of clerks as may be necessary for the purposes of the poll or the count or otherwise for the purposes of the election.

(2) The returning officer must not knowingly appoint, as a presiding officer or clerk, a person who has been employed by or on behalf of a candidate in connection with the election.

(3) The returning officer may preside at a polling station.

(4) Where the returning officer presides at a polling station, these rules apply to the returning officer so presiding with the necessary modifications as to things done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(5) A presiding officer may authorise the clerks to do anything (including asking questions) that the presiding officer is required or authorised by these rules to do at a polling station, except ordering the exclusion or removal of any person from the polling station.

(6) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule in relation to the appointment of presiding officers and clerks are to be discharged by the co-ordinating returning officer).

### **Issue of official poll cards**

**31.**—(1) The returning officer must, as soon as practicable after publishing notice of the election, send or deliver—

- (a) an official poll card to electors not voting by post;
- (b) an official postal poll card to electors voting by post and not by proxy;
- (c) an official proxy poll card to a person voting as proxy for an elector and not by post;
- (d) an official proxy postal poll card to a person voting as proxy for an elector by post.

(2) An official poll card or an official postal poll card must be sent or delivered to the elector's qualifying address.

(3) An official proxy poll card or an official proxy postal poll card must be sent or delivered to the proxy's address, as shown in the list of proxies.

(4) Each poll card must be in the appropriate form in Appendix 5 or a form to the like effect and must set out—

- (a) the name of the council to which councillors are to be elected,
- (b) the electoral area for which councillors are to be elected,
- (c) the number of councillors to be elected for that electoral area,
- (d) the elector's name, qualifying address and number on the register,
- (e) the date and hours of the poll and the situation of the elector's polling station, and
- (f) such other information as the returning officer considers appropriate.

(5) Different information may be provided under paragraph (4)(f) to different electors or descriptions of elector.

(6) In the case of an elector with an anonymous entry the poll card—

- (a) must contain such information as is specified in the appropriate form in Appendix 5 instead of the information set out in paragraph (4)(d), and
- (b) must be sent or delivered in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry.

(7) If the returning officer and the returning officer for each relevant election consider it appropriate, a poll card issued under this rule may be combined with a poll card of the same type issued at each relevant election.

(8) In this rule —

- (a) “elector” means a person who is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of the election, except that it includes a person then shown in the register (or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries) as below voting age only if it appears from the register (or the records) that the person will be of voting age on the day fixed for the poll;
- (b) “qualifying address” has the same meaning as in the 1983 Act (see section 202(1) of that Act).

### **Equipment of polling stations**

**32.**—(1) The returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as the returning officer considers necessary.

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

(3) If the returning officer considers it appropriate, the same ballot box may be used for the poll at the community election and the poll at each relevant election.

(4) If separate ballot boxes are to be used, each ballot box must be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election, and
- (b) information specifying the colour of the ballot papers that may be placed in the box.

(5) The returning officer must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,
- (b) copies of the relevant register of electors,
- (c) copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act so far as relating to the relevant register of electors,
- (d) copies of the parts of any lists of persons entitled to vote by post or by proxy that correspond to the relevant register of electors, and
- (e) a list (“the polling station’s corresponding number list”) consisting of that part of Part 2 of the corresponding number list prepared under rule 23 that contains the numbers, but not the other unique identifying marks, corresponding to those on the ballot papers provided to the presiding officer under paragraph (1).

(6) In this paragraph, “the relevant register of electors” means the register of electors for the electoral area or such part of it as contains the entries relating to the electors allotted to the polling station.

(7) The returning officer must cause to be displayed at each polling station an enlarged sample copy of the ballot paper.

(8) The enlarged sample copy displayed may include a translation of the words on the ballot paper into such languages other than English and Welsh as the returning officer considers appropriate.

(9) The returning officer must also provide each polling station with—

- (a) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially-sighted, and
- (b) a device for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or a companion (see rules 43 to 45 for the assistance that may be obtained from the presiding officer or a companion).

(10) The sample copy of the ballot paper required to be displayed and provided by paragraphs (7) and (9)(a) must be clearly marked as specimen and provided only for the guidance of voters.

(11) The device referred to in paragraph (9)(b) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper,
- (b) hold the ballot paper firmly in place during use, and
- (c) provide a suitable means for the voter to—
  - (i) identify the spaces on the ballot paper on which votes may be marked,
  - (ii) identify the candidate or other person to which each space refers, and
  - (iii) mark their vote on the space chosen.

(12) The returning officer must also cause a notice in the form in Appendix 6, giving directions for the guidance of voters in voting, to be displayed—

- (a) inside each voting compartment in the polling station,
- (b) inside the polling station (but outside the voting compartments), and
- (c) outside the polling station.

(13) The returning officer may also provide copies of the notice in Braille or in such languages other than English and Welsh as the returning officer considers appropriate.

(14) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Appointment of polling and counting agents**

**33.**—(1) A candidate may, before the poll begins, appoint—

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

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

(3) The returning officer may limit the number of counting agents but the number must be the same for each candidate.

(4) The candidate must give a notice to the co-ordinating returning officer where polling or counting agents are appointed.

(5) The notice must—

- (a) give the names and addresses of the persons appointed, and
- (b) be given no later than the fifth day before the day of the poll, disregarding any excluded day.

(6) If a polling agent or counting agent dies or becomes incapable of acting—

- (a) the candidate may appoint another agent instead, and
- (b) must immediately give the co-ordinating returning officer a notice stating the other agent's name and address.

### **Polling and counting agents: supplemental provision**

**34.**—(1) A candidate or the candidate's election agent (if appointed)—

- (a) may do anything that the candidate's polling or counting agent is authorised to do (or would, if appointed, have been authorised to do);
- (b) may assist the candidate's polling or counting agent to do anything that the polling or counting agent is authorised to do.

(2) Anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done instead in the presence of the candidate's election agent (if appointed).

(3) Where these rules require or authorise something to be done in the presence of the polling or counting agents,

the non-attendance of the agent or agents at the time and place appointed does not invalidate the thing done.

(4) Where a candidate does not have a counting agent, the returning officer may give the candidate any notice that is required by these rules to be given to the counting agent.

### **Notification of requirement of secrecy**

**35.**—(1) The returning officer must make arrangements to ensure that every person attending at a polling station, other than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty, has been given a notice setting out the provisions of section 66(1), (3) and (6) of the 1983 Act.

(2) In this rule, a reference to a constable includes a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

(3) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Return of postal ballot papers**

**36.**—(1) Where a postal vote has been returned in respect of a person who is entered on the postal voters list, the returning officer must mark the list in the manner prescribed by regulations under the 1983 Act.

(2) Where a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list, the returning officer must mark the list in the manner prescribed by regulations under that Act.

(3) Rule 58 does not apply for the purpose of deciding whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

(4) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

## **The Poll**

### **Admission to polling station**

**37.**—(1) The presiding officer must exclude all persons from the polling station except—

(a) voters allotted to the polling station,

- (b) persons under the age of 16 who accompany voters to the polling station,
- (c) the candidates and their election agents (if appointed),
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) the returning officer or members of the returning officer's staff,
- (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (representatives of the Electoral Commission and accredited observers),
- (h) the constables on duty,
- (i) the companions of voters with disabilities, and
- (j) persons entitled to be present at the polling station for the purposes of a relevant election.

(2) The presiding officer must regulate the total number of voters and persons under the age of 16 who accompany them who are admitted to the polling station at the same time.

(3) Only one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.

(4) A constable voting in person may do so either—

- (a) at the polling station allotted under these rules, or
- (b) at another polling station, if the constable produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by an officer of police of or above the rank of inspector.

(5) A person employed by the returning officer, if voting in person, may do so either—

- (a) at the polling station allotted under these rules, or
- (b) at another polling station, if the person produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by the returning officer.

(6) A single certificate may be used for the community election and each relevant election.

(7) A certificate surrendered under paragraph (4) or (5) must immediately be cancelled.

(8) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

(9) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the function of signing a certificate for the purpose of paragraph (5) of this rule is to be discharged by the co-ordinating returning officer).

### **Keeping of order in station**

**38.**—(1) The presiding officer must keep order at the polling station.

(2) If a person engages in misconduct in a polling station, or fails to obey any orders lawfully given by the presiding officer, the presiding officer may order that the person be removed from the polling station.

(3) Where the presiding officer orders that a person be removed, the person may be removed immediately—

- (a) by a constable in or near the polling station, or
- (b) by any other person authorised in writing by the returning officer to remove people from the polling station.

(4) Where a person is removed, the person may not, without the presiding officer's permission, re-enter the polling station on the day of the poll.

(5) Where a person who is removed is charged with the commission of an offence in the polling station, the person may be dealt with as a person taken into custody by a constable for an offence without a warrant.

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

(7) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the function of the returning officer under paragraph (3)(b) of this rule is to be discharged by the co-ordinating returning officer).

### **Sealing of ballot boxes**

**39.**—(1) The presiding officer must take the following steps immediately before the poll begins.

(2) The presiding officer must show the empty ballot box to those people (if any) who are present in the polling station, so that they may see that it is empty.

(3) The presiding officer must then—

- (a) lock up the box, if it has a lock, and
- (b) place the returning officer's seal on it, in such a way as to prevent it being opened without breaking the seal.

(4) The presiding officer must then place the box, within the presiding officer’s view, for the receipt of ballot papers.

(5) The presiding officer must keep the box locked and sealed or (if it does not have a lock) keep it sealed.

**Questions that may be put to voters**

**40.**—(1) At the time of an application for a ballot paper (but not afterwards), the presiding officer may put to any person described in the first column of Table 1 (set out in paragraph (3)) or in the first column of Table 2 (set out in paragraph (4)), one or more of the questions set out in the corresponding entry in the second column.

(2) If required to do so by the candidate or the candidate’s election or polling agent, the presiding officer must put to any person described in the first column of Table 1 one or more of the questions set out in the corresponding entry in the second column.

(3) Table 1 sets out questions that a presiding officer may put under paragraph (1) and that a candidate (or the candidate’s election or polling agent) may require to be put under paragraph (2).

**Table 1**

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector	<p>1(a) Are you the person registered in the register of local government electors for this election as follows?</p> <p>Notes to 1(a) The presiding officer must then read the whole entry from the copies of the registration records.</p> <p>1(b) Have you already voted, in this or another ward, at the election of councillors for this community, otherwise than as proxy for some other person?</p> <p>Notes to 1(b) The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>

<p>2. A person applying as proxy for an elector other than an elector who has an anonymous entry</p>	<p>2(a) Are you the person whose name appears as AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD?</p> <p>2(b) Have you already voted, in this or another ward, at the election of councillors for this community, as proxy on behalf of CD?</p> <p>2(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD?</p> <p>Notes to 2(a) to (c) Where a question refers to AB, the presiding officer reads out the name as it appears in the list of proxies. Where a question refers to CD, the presiding officer reads out the name of the elector. Note to 2(b) The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>
<p>3. A person applying as proxy for an elector who has an anonymous entry</p>	<p>3(a) Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(b) Have you already voted as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or</p>

	<p>grandchild of the person whose number on the register of electors is [x]?</p> <p>Note to 3(a) to (c) Where the questions in this entry refer to [x], the presiding officer must read the elector's number from the copies of the registration records.</p>
<p>4. A person applying as proxy who has been asked the question numbered 2(c) or 3(c) in column 2 and has not answered "Yes"</p>	<p>4. Have you already voted, in this or another ward, at the election of councillors for this community, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?</p> <p>Note to 4 The words "in this or another ward," may be omitted if an election is taking place only in one ward or if there are no wards.</p>

(4) Table 2 sets out the questions that a presiding officer may put under paragraph (1) (but cannot be required to put under paragraph (2)).

**Table 2**

<i>Description</i>	<i>Questions</i>
<p>1. A person applying as an elector in relation to whom there is an entry in the postal voters list</p>	<p>1(a) Did you apply to vote by post?</p> <p>1(b) Why have you not voted by post?</p>
<p>2. A person applying as proxy who is named in the proxy postal voters list</p>	<p>2(a) Did you apply to vote by post as proxy?</p> <p>2(b) Why have you not voted by post as proxy?</p>

(5) A ballot paper must not be given to any person required to answer one or more of the questions in Table 1 or 2 unless the person has answered the question or questions satisfactorily.

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

(7) In this rule, “the copies of the registration records” means the copies provided by the returning officer for the polling station under rule 32(5)(b) and (c) (copies of the relevant register of electors and copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act relating to the relevant register of electors).

### **Challenge of voter**

**41.** A person must not be prevented from voting by reason only that either or both of the following apply—

- (a) a candidate, a candidate’s election agent (if appointed) or a candidate’s polling agent has made a written declaration that they have reasonable cause to believe that the person has committed an offence of personation;
- (b) the person is arrested on the grounds that they are suspected of committing or being about to commit an offence of personation.

### **Voting procedure**

**42.—(1)** A ballot paper must be given to a voter who applies for one.

(2) Immediately before the ballot paper is given—

- (a) the number of the elector, as stated in the copies of the registration records, must be called out,
- (b) unless the elector has an anonymous entry, the name of the elector, as stated in the copies of the registration records, must also be called out,
- (c) the number of the elector must be marked on the polling station’s corresponding number list beside the number of the ballot paper to be issued,
- (d) a mark must be placed in the copies of the registration records against the number of the elector to note that a ballot paper has been received, but without showing the particular ballot paper that has been received, and
- (e) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person’s name in the list of proxies.

(3) In the case of an elector who has an anonymous entry—

- (a) the ballot paper may be given only if the elector’s official poll card is shown to the presiding officer, and
- (b) only the elector’s number may be called out.

(4) On receiving the ballot paper, the voter must go immediately into one of the compartments in the polling station.

(5) Without undue delay, the voter must then—

- (a) secretly mark the ballot paper,
- (b) fold the ballot paper up so as to conceal the vote,
- (c) show the presiding officer the back of the ballot paper, so as to disclose the number and other unique identifying mark, and
- (d) put the ballot paper into the ballot box in the presiding officer's presence.

(6) As soon as the voter has put the ballot paper in the ballot box, the voter must leave the polling station.

(7) If a voter is in the polling station, or in a queue outside the polling station, at the close of the poll and has not yet been able to cast their vote, the presiding officer must permit the voter to cast their vote as soon as practicable.

(8) The copies of the registration records that are used for the community election may also be used for each relevant election.

(9) Where ballot papers are issued to a voter in respect of the community election and in respect of each relevant election, one mark may be placed in the copies of the registration records and, where appropriate, in the list of proxies to denote that the ballot papers have been issued.

(10) In any other case, the copies of the registration records and, where appropriate, the list of proxies must be marked in such a way as to identify each election in respect of which a ballot paper has been issued.

(11) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

### **Voters with a disability or unable to read: marking of votes by presiding officer**

**43.**—(1) A voter may apply to the presiding officer for their vote to be marked if the voter—

- (a) is unable, because of blindness or other disability, to vote in the manner directed by these rules, or
- (b) declares orally that they are unable to read.

(2) Where an application is made, the presiding officer must, in the presence of any polling agents who are in the polling station when the application is made—

- (a) cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and
- (b) cause the ballot paper to be placed in the ballot box.

(3) Where a voter's vote is marked in pursuance of paragraph (2), the presiding officer must enter the following details on a list maintained by the presiding

officer for the purposes of this rule (“the list of votes marked by the presiding officer”)—

- (a) the name and number of the voter, as shown in the copies of the registration records, and
- (b) the reason why the vote was marked.

(4) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name in the list of votes marked by the presiding officer is the elector’s number.

(5) The same list of votes marked by the presiding officer may be used for the community election and each relevant election.

(6) Where the same list is used, an entry in the list is to be taken as meaning that the voter’s vote was marked in respect of the community election and in respect of each relevant election, unless the list identifies one or more elections at which the voter’s vote was marked.

(7) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

**Voters with a disability or unable to read: assistance of companions**

**44.**—(1) A voter may apply to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of a companion.

(2) Where an application is made, the presiding officer must require the voter to declare, orally or in writing, whether the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.

(3) In the following provisions of this rule, a voter who declares that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion is referred to as a voter with disabilities.

(4) At the time when an application to vote with the assistance of a companion is made, the companion must make a written declaration before the presiding officer that the companion—

- (a) is eligible to assist the voter (see paragraph (5)), and
- (b) has not previously assisted more than one voter with disabilities to vote at the election.

(5) The companion is eligible to assist the voter if—

- (a) the companion is entitled to vote as an elector at the election, or
- (b) is a relative of the voter and has attained the age of 16.

(6) For the purposes of paragraph (5), a person is a “relative” of the voter if they are the parent, grandparent, brother, sister, spouse, civil partner, child or grandchild of the voter.

(7) The companion’s declaration—

- (a) must be in the form of the declaration relating to the community election in Appendix 8, and
- (b) must be given to the presiding officer who must attest it and retain it.

(8) The companion’s declaration at the community election and each relevant election may be made in the same document.

(9) The presiding officer must grant the voter’s application for the assistance of a companion if the presiding officer—

- (a) is satisfied that the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion, and
- (b) is also satisfied by the companion’s written declaration that the companion is eligible to assist the voter and has not previously assisted more than one voter with disabilities to vote at the election.

(10) Where the application is granted—

- (a) anything that is required to be done by these rules to the voter in connection with the giving of the vote may be done instead to the companion, and
- (b) the voter may do anything that needs to be done in connection with the giving of the vote with the assistance of the companion.

**Voting with the assistance of a companion:  
supplemental provision**

**45.**—(1) Where a vote is given with the assistance of a companion in accordance with rule 44, the presiding officer must then enter the following details in a list maintained by the presiding officer (“the list of voters with disabilities assisted by companions”)—

- (a) the name and number of the voter, as shown in the copies of the registration records, and
- (b) the name and address of the companion.

(2) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name in the list of voters with disabilities assisted by companions is the elector’s number.

(3) Where the voter has an anonymous entry, only the voter’s number in the copies of the registration records may be entered in the list of voters with disabilities assisted by companions.

(4) No fee or other payment may be charged in respect of a declaration made by a companion under rule 44(4).

(5) The same list of voters with disabilities assisted by companions may be used for the community election and each relevant election.

(6) Where the same list is used, an entry in the list is to be taken as meaning that the voter's vote was given with assistance in respect of the community election and in respect of each relevant election, unless the list identifies one or more elections at which the voter's vote was given with assistance.

(7) In this rule, "the copies of the registration records" has the same meaning as in rule 40 (see paragraph (7) of that rule).

**Tendered ballot papers: circumstances where available**

**46.**—(1) This rule sets out circumstances where a person who applies for a vote ("the applicant") is entitled to vote on satisfactorily answering the questions permitted by law to be asked at the poll but where the procedure for giving the vote is modified in the following two ways—

- (a) the person must use a ballot paper that is of a different colour to other ballot papers, and
- (b) the person must give the ballot paper to the presiding officer (instead of putting it in the ballot box).

*Circumstances where vote already given in person*

(2) The first set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records and not named in the postal voters list or list of proxies, and
- (b) another person has already voted in person either as that elector or as that elector's proxy.

(3) The second set of circumstances is where—

- (a) the applicant represents themselves to be a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy, and
- (b) another person has already voted in person either as that elector or as that elector's proxy.

*Circumstances where applicant on postal voters list claims not to have applied for postal vote*

(4) The third set of circumstances is where—

- (a) the applicant represents themselves to be a particular elector named in the copies of the registration records,
- (b) the applicant is also named in the postal voters list, and

(c) the applicant claims not to have made an application to vote by post at the election.

(5) The fourth set of circumstances is where—

(a) the applicant represents himself to be a particular person named as a proxy in the list of proxies,

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

(c) the applicant claims not to have made an application to vote by post as proxy at the election.

*Circumstances where applicant claims to have lost postal ballot paper etc*

(6) The fifth set of circumstances is where—

(a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents himself to be a particular elector named in the copies of the registration records who is also named in the postal voters list, and

(b) the applicant claims to have lost or not to have received that person's postal ballot paper.

(7) The sixth set of circumstances is where—

(a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents himself to be a particular person named as a proxy in the list of proxies who is also named in the proxy postal voters list, and

(b) the applicant claims to have lost or not to have received that person's postal ballot paper.

(8) A ballot paper that is given to a presiding officer in accordance with this rule is referred to in these rules as a "tendered ballot paper".

(9) Where an elector has an anonymous entry, the references in this rule to a person named in the copies of the registration records or a list is to be read as a reference to a person who has a number in the copies or list.

(10) In this rule, "the copies of the registration records" has the same meaning as in rule 40 (see paragraph (7) of that rule).

### **Duties of presiding officer in relation to tendered ballot papers**

**47.**—(1) This rule sets out the duties of the presiding officer in relation to tendered ballot papers.

(2) The presiding officer must write the following information on the back of the ballot paper—

(a) the name of the voter, and

- (b) the voter's number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.
- (3) The presiding officer must put the ballot paper in a separate packet.
- (4) The following information must be entered on a list (the "tendered votes list")—
  - (a) the name of the voter, and
  - (b) the voter's number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.
- (5) Where an elector has an anonymous entry, the presiding officer must not include the name of the voter on the back of the ballot paper or in the tendered votes list.
- (6) The same tendered votes list may be used for the community election and each relevant election.
- (7) Where the same list is used, an entry in the list is to be taken as meaning that the presiding officer was given a tendered ballot paper in respect of the community election and in respect of each relevant election, unless the list identifies one or more elections at which a tendered ballot paper was given.
- (8) In this rule, "the copies of the registration records" has the same meaning as in rule 40 (see paragraph (7) of that rule).

### **Spoilt ballot papers**

- 48.**—(1) This rule applies where a voter has inadvertently dealt with their ballot paper in such a manner that it cannot conveniently be used as a ballot paper.
- (2) The voter may obtain another ballot paper by—
    - (a) giving the ballot paper that was inadvertently dealt with (the "spoilt ballot paper") to the presiding officer, and
    - (b) proving to the presiding officer's satisfaction that it was dealt with inadvertently.
  - (3) Where the voter is given another ballot paper, the spoilt ballot paper must be cancelled immediately.

### **Correction of errors on day of poll**

- 49.**—(1) The presiding officer must keep a list of persons to whom ballot papers are given in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.
- (2) The same list may be used for the community election and each relevant election.
  - (3) Where the same list is used, an entry in the list is to be taken as meaning that ballot papers were given in

consequence of an alteration to the register in respect of the community election and in respect of each relevant election, unless the list identifies one or more elections at which ballot papers were so given.

### **Adjournment of poll in case of riot**

**50.**—(1) This rule applies where proceedings at any polling station are interrupted or obstructed by riot or open violence.

(2) The presiding officer—

- (a) must adjourn the proceedings until the following day, and
- (b) immediately inform the co-ordinating returning officer.

(3) Where the poll is adjourned at a polling station—

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
- (b) references in these rules to the close of the poll are to be read as references to the end of the hours of polling on the day to which it is adjourned.

### **Procedure on close of poll**

**51.**—(1) This rule sets out the steps that must be taken by the presiding officer as soon as practicable after every voter has cast their vote.

(2) In the presence of the polling agents appointed for the purposes of the community election and those appointed for the purposes of each relevant election, the presiding officer must seal each ballot box (with the key if any attached) in use at the polling station so as to prevent the introduction of additional ballot papers, using the presiding officer's seal and the seals of any polling agents who wish to affix their seal.

(3) In the presence of the polling agents appointed for the purposes of the community election and those appointed for the purposes of each relevant election, the presiding officer must place each of the following in separate packets, sealed using the presiding officer's seal and the seals of any polling agents who wish to affix their seal—

- (a) the unused and spoiled ballot papers (together);
- (b) the tendered ballot papers;
- (c) the marked copies of the registration records and list of proxies (together);
- (d) the polling station's corresponding number list, as marked (see rule 42(2)(c)), (referred to in the following provisions of these rules as "the completed corresponding number list");

- (e) any certificates surrendered under rule 37(4) or (5) (surrender of certificates issued to constables or staff of returning officers);
- (f) the following lists and declarations (together)—
  - (i) the list of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads “disability” and “unable to read” (see rule 43);
  - (ii) the declarations made by the companions of voters with disabilities (see rule 44);
  - (iii) the list of voters with disabilities assisted by companions (see rule 45);
  - (iv) the tendered votes list (see rule 47);
  - (v) the list maintained under rule 49 (correction of errors on day of poll).

(4) The presiding officer must deliver the sealed ballot boxes and packets to the co-ordinating returning officer or cause them to be delivered in accordance with arrangements approved by that returning officer.

(5) The packets must be accompanied by a statement (“a ballot paper account”) prepared by the presiding officer showing—

- (a) the number of ballot papers given to the presiding officer, and
- (b) how the ballot papers are accounted for under the following headings—
  - (i) the number of ballot papers issued and not otherwise accounted for;
  - (ii) the number of ballot papers unused;
  - (iii) the number of spoilt ballot papers;
  - (iv) the number of tendered ballot papers.

(6) The contents of the packets containing the unused and spoilt ballot papers, the tendered ballot papers and the certificates surrendered under rule 37(4) or (5) must not be combined with the contents of the packets made under the corresponding rule that applies at any relevant election.

(7) The ballot paper account must not be combined with the ballot paper account prepared under the corresponding rule that applies at any relevant election.

(8) In this rule, “the marked copies of the registration records” means the copies of the registration records (as defined by rule 40(7)) as marked in accordance with these rules.

## PART 4

### Counting of Votes and Declaration of Result at Contested Elections

#### Overview of rules and interpretation

**52.**—(1) This rule provides an overview of the application of this Part.

(2) Where the returning officer is the co-ordinating returning officer, the following rules apply—

- (a) rule 53 (attendance at proceedings)
- (b) rule 54 (preliminary and general duties);
- (c) rule 55 (separation of ballot papers etc);
- (d) rules 58 to 64 (provisions relating to counting etc).

(3) Where the returning officer is not the co-ordinating returning officer, the following rules apply—

- (a) rule 53(1) and (3) to (8) (attendance at proceedings)
- (b) rule 56 (preliminary and general duties);
- (c) rule 57 (opening of containers etc);
- (d) rules 58 to 64 (provisions relating to counting etc).

(4) In this Part—

- (a) references to the community counting agents are to the counting agents appointed for the purposes of the community election;
- (b) references to the other counting agents are to the counting agents appointed for the purposes of any relevant election;
- (c) references to the community election agents are to the election agents (if any) appointed for the purposes of the community election;
- (d) references to the other election agents are to the election agents appointed for the purposes of any relevant election.

#### Attendance at proceedings under this Part

**53.**—(1) The following persons are entitled to attend proceedings under rules 55(2) to (10), 57 and 59 to 64—

- (a) the returning officer and members of the returning officer's staff;
- (b) each candidate and a guest of each candidate;
- (c) the community election agents (if appointed);
- (d) the community counting agents;
- (e) any person who is entitled to attend by virtue of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000

(representatives of the Electoral Commission and accredited observers);

(f) the constables on duty.

(2) In addition, any person who is entitled to attend the counting of votes at a relevant election is entitled to attend proceedings under rule 55(2) to (10).

(3) The returning officer may permit any other person to attend proceedings under any of rules 55(2) to (10), 57 or 59 to 64 but only if the returning officer—

(a) is satisfied that the person's attendance will not impede the efficient discharge of the returning officer's functions, and

(b) has either consulted the appropriate persons about whether to give permission or decided that it is not practicable to consult them.

(4) For the purposes of paragraph (3)(b), "the appropriate persons" are—

(a) in the case of proceedings under rule 55(2) to (10), the community election agents (or, in the case of candidates who have not appointed election agents, the candidates) and the other election agents;

(b) in the case of any other proceedings, the community election agents or, in the case of candidates who have not appointed election agents, the candidates.

(5) The returning officer must give any counting agents who are entitled to attend all such reasonable facilities for overseeing the proceedings, and all such information about them, as the returning officer is able to give consistently with the orderly conduct of the proceedings and the discharge of the returning officer's duties.

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

(7) The returning officer must make arrangements to ensure that every person attending at the counting of votes (other than the constables on duty) has been given a notice setting out the provisions of section 66(2) and (6) of the 1983 Act (notification of requirement of secrecy).

(8) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

**Preliminary and general duties where returning officer is co-ordinating returning officer**

**54.**—(1) This rule applies where the returning officer is the co-ordinating returning officer.

(2) The returning officer must make arrangements for discharging the functions under rule 55 as soon as practicable after the close of the poll.

(3) The returning officer must give the community counting agents and the other counting agents a notice stating the time and place at which the returning officer will begin to discharge the functions under rule 55.

(4) While counting and recording the number of ballot papers and counting the votes, the returning officer must take all proper precautions for preventing any person from identifying the voter who cast the vote.

**Separation of ballot papers etc where returning officer is co-ordinating returning officer**

**55.**—(1) This rule applies where the returning officer is the co-ordinating returning officer.

(2) The returning officer must, in the presence of the community counting agents and the other counting agents, open each ballot box, take out the ballot papers and record separately the number of ballot papers used in each election.

(3) The returning officer must not count any tendered ballot paper.

(4) Where separate ballot boxes were used at the poll, no vote for a candidate at the community election is to be treated as invalid because it was placed in the ballot box intended for use at a relevant election.

(5) The returning officer must, in the presence of the community election agents (if appointed) and in the presence of the other election agents, verify each ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the returning officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and tendered votes list).

(6) The returning officer must prepare a statement as to the result of the verification and give a copy of the statement to any community election agent (if appointed), and to any other election agent, who requests it.

(7) Where a candidate at the community election has not appointed an election agent—

(a) the verification of the ballot paper account must be done in the presence of the candidate's counting agents instead, and

(b) on request, a copy of the statement must be given to the candidate.

(8) After verifying the ballot paper accounts, the returning officer must—

- (a) count the postal ballot papers that have been properly returned (as to which see rule 58), and
- (b) record separately the number counted at the poll at the community election and at each relevant election.

(9) The returning officer must then—

- (a) separate the ballot papers relating to the community election from the ballot papers relating to each relevant election,
- (b) make up into packets the ballot papers for each relevant election, and
- (c) seal up the packets in separate containers endorsing on each a description of the area to which the ballot papers relate.

(10) The returning officer must then deliver or cause to be delivered to the returning officer for each relevant election—

- (a) the containers of ballot papers relating to the election, together with a list of the containers and their contents,
- (b) the ballot paper accounts relating to the election, together with a copy of the statements as to the result of their verification, and
- (c) the packets of unused and spoiled ballot papers, tendered ballot papers and certificates surrendered under any rule corresponding to rule 37(4) or (5) that applies at the election.

(11) The returning officer must then mix together all the ballot papers used at the community election.

**Preliminary and general duties where returning officer is not the co-ordinating returning officer**

**56.**—(1) This rule applies where the returning officer is not the co-ordinating returning officer.

(2) The returning officer must make arrangements for counting the votes in the presence of the community counting agents as soon as practicable after the delivery of the ballot papers by the returning officer who is the co-ordinating returning officer.

(3) The returning officer must give the community counting agents a notice stating the time when the counting of votes will begin (on the assumption that the ballot papers have been delivered) and the place at which the count will take place.

(4) While counting and recording the number of ballot papers and counting the votes, the returning officer must take all proper precautions for preventing any person from identifying the voter who cast the vote.

### **Opening of containers etc where returning officer is not the co-ordinating returning officer**

**57.**—(1) This rule applies where the returning officer is not the co-ordinating returning officer.

(2) On receipt of the containers of ballot papers from the returning officer who is the co-ordinating returning officer, and after the time specified in the notice given under rule 56(3), the returning officer must open each container in the presence of the community counting agents.

(3) Where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election under regulation 65 of the Representation of the People (England and Wales) Regulations 2001<sup>(1)</sup> or under that regulation as applied by regulations under section 44 of the Local Government Act 2000<sup>(2)</sup>, the returning officer must count the postal ballot papers that have been properly returned and record the number counted.

(4) The returning officer must then mix together all the postal ballot papers and all the ballot papers from the containers.

### **Further provision about postal ballot papers**

**58.**—(1) This rule applies for determining whether a postal ballot paper is to be treated as properly returned as mentioned in rules 55(8)(a) and 57(3).

(2) A postal ballot paper is to be treated as properly returned if (and only if) the ballot paper and the accompanying postal voting statement properly completed are—

- (a) handed in at a polling station in the appropriate area before the close of the poll,
- (b) given by hand to the returning officer before the close of the poll, or
- (c) received by the returning officer by post before the close of the poll.

(3) A postal voting statement is properly completed if (and only if)—

- (a) it is signed by the elector or (as the case may be) the proxy unless the registration officer has dispensed with the requirement for a signature,
- (b) it states the date of birth of the elector or (as the case may be) the proxy, and
- (c) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations under the 1983 Act, the returning officer has taken those steps

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(1) S.I. 2001/341.

(2) c. 22.

and verified the date of birth and (except in a case where the requirement for a signature has been dispensed with) the signature.

(4) Where, at the close of the poll, a person is in the polling station, or in a queue outside the polling station, for the purpose of handing in a postal ballot paper and postal voting statement—

- (a) the person must be permitted to hand the ballot paper and statement in at the polling station, and
- (b) where handed in, they are to be treated as having been handed in before the close of the poll for the purposes of this rule.

(5) “The appropriate area” referred to in paragraph (2)(a) is the area which is identified by—

- (a) establishing the polls in respect of which the postal voter has been issued with a ballot paper,
- (b) identifying the constituency or other area in respect of which each of those polls is being held, and
- (c) then identifying the area that is common to all those areas.

#### **The count: general**

**59.**—(1) This rule applies where the returning officer has mixed the ballot papers under rule 55(11) or 57(4).

(2) The result of the poll must be ascertained by counting the votes given to each candidate.

(3) The candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, must be declared to have been elected.

(4) Subject to paragraph (5), the returning officer must, so far as practicable, proceed continuously with the counting of votes, allowing only time for refreshment.

(5) The returning officer may exclude any hours between 10 p.m. on the day of the poll and 9 a.m. on the following morning.

(6) During any time that is excluded, the returning officer must—

- (a) place the ballot papers and other documents relating to the election under the returning officer’s seal and the seals of any community counting agents who wish to affix their seals, and
- (b) otherwise take proper precautions for the security of the ballot papers and other documents.

### **The count: rejected ballot papers**

**60.**—(1) Subject to paragraphs (2) and (4), the following ballot papers are void and must not be counted—

- (a) a ballot paper that does not bear the official mark;
- (b) a ballot paper on which votes are given for more candidates than the voter is entitled to vote for;
- (c) a ballot paper on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back;
- (d) a ballot paper that is unmarked or void for uncertainty.

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

(3) Paragraph (4) applies to a ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place,
- (b) otherwise than by means of a cross, or
- (c) by more than one mark.

(4) The ballot paper is not, by reason only of how the vote is marked, to be treated as void (either wholly or as respects that vote) if—

- (a) it is clear from the ballot paper that the voter intended to vote for one or other of the candidates,
- (b) the way the ballot paper is marked does not itself identify the voter, and
- (c) the returning officer is satisfied that the voter cannot be identified from the ballot paper.

(5) The returning officer must—

- (a) endorse the word “rejected” on any ballot paper which, in accordance with this rule, is not to be counted;
- (b) endorse the word “rejected in part” on any ballot paper on which a vote is counted in accordance with paragraph (2) and indicate which vote or votes have been counted.

(6) If a community counting agent objects to the returning officer’s decision, the returning officer must add the words “rejection objected to” to the endorsement.

(7) The returning officer must prepare a statement showing the number of ballot papers rejected and the number rejected in part.

(8) The statement must set out the number rejected or rejected in part under each of the headings in subparagraphs (a) to (d) of paragraph (1).

### **Re-count**

**61.**—(1) A candidate or the candidate's election agent (if appointed) may, if present when the count is completed, request that the returning officer re-count the votes.

(2) The returning officer must comply with the request unless the returning officer's opinion is that the request is unreasonable.

(3) No step may be taken on the completion of the count until the candidates and election agents who are present have been given a reasonable opportunity to request that the votes are re-counted.

(4) Where a re-count takes place, this rule also applies in relation to the re-count (so that, for example, the candidate or the candidate's election agent (if appointed) may, if present when the re-count is completed, request that the returning officer re-count the votes).

### **Equality of votes**

**62.**—(1) This rule applies where, after the counting of the votes (including any re-count), there is an equality of votes between any candidates and the addition of a vote would entitle any of those candidates to be elected.

(2) The returning officer must immediately decide between the candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

### **Decision on ballot papers**

**63.** The decision of the returning officer on any question arising in respect of a ballot paper is final but may be reviewed on an election petition.

### **Declaration of result**

**64.**—(1) When the count has been completed, the returning officer must declare to be elected the candidate or candidates to whom more votes have been given than to other candidates, up to the number of councillors to be elected.

(2) The returning officer must give the names of the candidates elected to—

- (a) the proper officer of the community council, and
- (b) the proper officer of the council of the county or county borough in which the community is situated.

(3) The returning officer must also publish notice of—

- (a) the names of the candidates elected,
- (b) the total number of votes given for each candidate (whether elected or not), and
- (c) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers (see rule 60(7)).

## PART 5

### Disposal of Documents

#### **Sealing up of ballot papers at contested elections**

**65.**—(1) This rule applies on the completion of the counting of votes at a contested election.

(2) The returning officer must seal up in separate packets—

- (a) the counted ballot papers, and
- (b) the rejected ballot papers (including the ballot papers rejected in part).

(3) The returning officer must not open any packet sealed under rule 51(3) that contains tendered ballot papers.

(4) Where the returning officer is the co-ordinating returning officer, the returning officer must also not open any packets sealed under rule 51(3) that contain—

- (a) completed corresponding number lists;
- (b) marked copies of the registration records and list of proxies;
- (c) certificates surrendered by constables or staff of returning officers under rule 37(4) or (5).

#### **Delivery of documents to registration officer at contested elections**

**66.**—(1) This rule applies where the returning officer has sealed up the counted and rejected ballot papers under rule 65(2).

(2) The returning officer must forward the following documents to the registration officer of the county or county borough council in whose area the election is held—

- (a) the packets of ballot papers in the returning officer's possession;
- (b) the ballot paper accounts prepared under rule 51(5);
- (c) the statements of rejected ballot papers prepared under rule 60(7);
- (d) the statements as to the result of the verification of the ballot paper accounts prepared under rule 55(6);

- (e) the packets containing the postal voters list and the proxy postal voters list.

(3) Where the returning officer is also the coordinating returning officer, the returning officer must forward the following documents to the registration officer of the county or county borough council in whose area the election is held—

- (a) the following lists and declarations—
  - (i) the lists of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads “disability” and “unable to read” (see rule 43);
  - (ii) the declarations made by the companions of voters with disabilities (see rule 44);
  - (iii) the lists of voters with disabilities assisted by companions (see rule 45);
  - (iv) the tendered votes lists (see rule 47);
  - (v) the lists maintained under rule 49 (correction of errors on the day of the poll);
- (b) the packets containing completed corresponding number lists;
- (c) the packets containing marked copies of the registration records and list of proxies;
- (d) the packets containing certificates surrendered by constables or staff of returning officers under rule 37(4) or (5).

### **Production etc of documents**

**67.**—(1) This rule applies in relation to the following documents when in the custody of the registration officer (having been forwarded under rule 66)—

- (a) rejected and counted ballot papers;
- (b) sealed packets containing completed corresponding number lists;
- (c) sealed packets containing certificates surrendered by constables or staff of returning officers under rule 37(4) or (5).

(2) A county court may make any of the following orders, if satisfied by evidence on oath that the order is required either for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an election petition—

- (a) an order for the inspection or production of any of the rejected ballot papers (including any ballot papers rejected in part);
- (b) an order for the inspection of any of the counted ballot papers;

- (c) an order for the opening of any of the sealed packets containing—
    - (i) completed corresponding number lists, or
    - (ii) certificates surrendered by constables or staff of returning officers under rule 37(4) or (5);
  - (d) where an order for the opening of any of the sealed packets is made under sub-paragraph (c), an order for the inspection or production of the whole or part of its contents.
- (3) An election court may make—
- (a) an order for the inspection of any of the counted ballot papers;
  - (b) an order for the opening of any of the sealed packets containing—
    - (i) completed corresponding number lists, or
    - (ii) certificates surrendered by constables or staff of returning officers under rule 37(4) or (5);
  - (c) where an order for the opening of any of the sealed packets is made under sub-paragraph (b), an order for the inspection or production of the whole or part of its contents.
- (4) An order under this rule may be made subject to such of the following conditions as the court thinks appropriate—
- (a) conditions as to persons;
  - (b) conditions as to time;
  - (c) conditions as to the place and method of inspection;
  - (d) conditions as to production or opening.
- (5) A court, in making an order under this rule for the inspection of counted ballot papers or for the opening of a sealed packet, must impose such conditions under paragraph (4) as the court considers appropriate to ensure that the way in which an elector has given their vote is not disclosed unless and until it has been proved—
- (a) that the elector has given their vote, and
  - (b) that the vote has been declared by a competent court to be invalid.
- (6) Any person giving effect to an order under this rule for the inspection of counted ballot papers or for the opening of a sealed packet must take care to ensure that the way in which an elector has given their vote is not disclosed unless and until it has been proved—
- (a) that the elector has given their vote, and
  - (b) that the vote has been declared by a competent court to be invalid.

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

(8) The powers of a county court under this rule may be exercised by any judge of the court otherwise than in open court.

(9) Except as provided by this rule, no person may—

(a) inspect any of the rejected or counted ballot papers;

(b) open any of the sealed packets containing—

(i) completed corresponding number lists, or

(ii) certificates surrendered by constables or staff of returning officers under rule 37(4) or (5).

### **Orders for the production etc of documents: supplemental provision**

**68.**—(1) Paragraphs (2) and (3) apply where an order is made under rule 67 for the production by a registration officer of a document in the registration officer's custody relating to an election specified in the order.

(2) The production by the registration officer or the registration officer's agent of the document in the manner directed by the order is conclusive evidence that the document relates to the specified election.

(3) If a packet of ballot papers with an endorsement on the packet is produced by the registration officer or the registration officer's agent to comply with the order, the endorsement is prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(4) Paragraph (5) applies where, to comply with an order under rule 67, a registration officer or a registration officer's agent has produced—

(a) a ballot paper purporting to have been used at an election, and

(b) a completed corresponding number list in use at the election, with a number marked in writing beside the number of that ballot paper on the list.

(5) The production of the ballot paper and the list are prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry at the time of the election in the register of electors, or on a notice issued under section 13B(3B) or (3D) of the 1983 Act, contained the same number as the number written on the ballot paper.

### **Retention and destruction of documents forwarded to registration officer**

**69.**—(1) The registration officer must retain all documents forwarded under rule 66 for a period of one

year beginning with the day on which they were received by the registration officer.

(2) At the end of that period of one year, the registration officer must cause the documents to be destroyed unless otherwise directed by an order of a county court, a Crown Court, a magistrates' court or an election court.

#### **Destruction of nomination papers etc by returning officer**

**70.**—(1) The returning officer must destroy each candidate's nomination paper and home address form—

- (a) on the next day following the 35<sup>th</sup> day after the returning officer has returned the names of the councillors elected, unless an election petition questioning the election or the return of candidates is presented before that day;
- (b) if an election petition questioning the election or return of councillors is presented before that day, as soon as practicable following the conclusion of proceedings on the petition (including, where there is an appeal, the proceedings on the appeal).

(2) For the purpose of deciding the day on which candidates' nomination papers and home address forms must be destroyed, any day that is an excluded day must be disregarded.

## **PART 6**

### **Death of Candidate**

#### **Countermand or abandonment of poll on death of a candidate**

**71.**—(1) This rule applies where, at a contested election, the returning officer is satisfied before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot papers has died.

(2) The returning officer must countermand notice of the poll or, if polling has begun, the returning officer must direct that the poll be abandoned and no further ballot papers may be issued.

(3) The countermanding of the poll or a direction that it be abandoned does not affect the poll at any relevant election.

(4) At the close of the poll at each relevant election, the presiding officer at any polling station in use at the election must take the steps (so far as not already taken) that the presiding officer would be required to take under rule 51 had the poll at the community election not been

abandoned, except that it is not necessary for the presiding officer to prepare a ballot paper account.

(5) Where the returning officer is the co-ordinating returning officer, the returning officer must take the steps (so far as not already taken) that the returning officer would be required to take under Part 4 except that—

- (a) the returning officer must not proceed with counting any ballot papers or votes relating to the abandoned poll, and
- (b) it is not necessary to verify any ballot paper account relating to that poll.

(6) Where the returning officer is not the co-ordinating returning officer, the returning officer—

- (a) must receive any ballot papers or other documents relating to the abandoned poll that may be delivered by or on behalf of the co-ordinating returning officer, but
- (b) must not otherwise proceed with any step under Part 4 relating to the abandoned poll.

(7) The returning officer must take the same steps as the returning officer would be required to take under rules 65 and 66 on the completion of the counting of votes (had the poll not been abandoned), except that—

- (a) the returning officer must seal up all the ballot papers (whether the votes on them have been counted or not), and
- (b) it is not necessary to seal up counted and rejected ballot papers in separate packets.

(8) The provisions of rules 67 to 69 apply to ballot papers and other documents relating to a poll that is abandoned by reason of a candidate's death, except that—

- (a) ballot papers on which the votes were neither counted nor rejected are to be treated as counted ballot papers, and
- (b) an order may be made under rule 67(2) or (3) only for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.

(9) For what happens after notice of a poll is countermanded or a poll is abandoned, see section 39 of the 1983 Act.

## APPENDICES

### Appendix 1 Rule 5(1)

<b>Form of nomination paper</b>
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<b>Section 1: Details of election</b>
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<p>Election of councillors to the [insert name of the community council]</p> <p>Electoral area:</p> <p>Date of election (see note 1):</p>											
<p><b>Section 2: Candidate's names</b></p> <p>Candidate's surnames:</p> <p>Candidate's forenames:</p> <p>Candidate's commonly used surnames (see note 2 below):</p> <p>Candidate's commonly used forenames (see note 2 below):</p>											
<p><b>Section 3: Description (if any)</b> (see note 3 below)</p>											
<p><b>Section 4: Candidate's statement of party membership</b> (see note 4 below)</p> <p>Have you been a member of any registered political party at any time during the period of 12 months ending with the day on which you deliver this nomination paper? <span style="float: right;">Yes/No</span></p> <p>If you have answered "Yes", complete the table below in relation to each registered political party of which you have been a member at any time during that period. Add further rows if necessary. You must complete the table even if the registered political party has ceased to exist.</p> <p>It is not necessary to complete the table if you have included a permitted party description in section 3 of this form and you have not been a member of any registered political party during the 12 months period other than the party or parties to which the description relates.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 50%; padding: 5px;">Registered name or names of each registered political party</th> <th style="width: 50%; padding: 5px;">The times during the 12 months period when you were a member</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> </tr> </tbody> </table>		Registered name or names of each registered political party	The times during the 12 months period when you were a member								
Registered name or names of each registered political party	The times during the 12 months period when you were a member										

**Section 5: Declarations** (see note 5)

Complete and sign the following declarations.

I declare that I am qualified on the day on which I complete this nomination paper, and that I will be qualified on the day of election, to be elected as councillor for the [insert name] electoral area on the basis that I am on the day on which I complete this nomination paper, and will be on the day of election, a qualifying Commonwealth citizen, a citizen of the Republic of Ireland, a relevant citizen of the Union or a qualifying foreign citizen who has attained the age of 18 years and that—\*

(a) I am registered as a local government elector for the area of [insert the name of the community] on the day on which I complete this nomination paper and will continue to be on the day of election;

(b) I have occupied as owner or tenant land or other premises in the area of [insert the name of the community] during the whole of the period of 12 months preceding the day on which I complete this nomination paper and I will have occupied as owner or tenant land or other premises in that area during the whole of the period of 12 months preceding the day of election;

(c) my principal or only place of work during the period of 12 months preceding the day on which I complete this nomination paper has been in the area of [insert the name of the community] and my principal or only place of work during the 12 months preceding the day of election will have been in that area;

(d) I have resided in the area of [insert the name of the community] or within 3 miles of it during the whole of the period of 12 months preceding the day on which I complete this nomination paper and I will have resided in that area or within 3 miles of it during the whole of the period of 12 months preceding the day of election.

\*Candidates should indicate which one or more of paragraphs (a) to (d) apply to them by ticking those that apply and putting a line through those that do not apply.

I also declare that to the best of my knowledge and belief I am not disqualified from being elected as councillor for the [insert name] electoral area by reason of any disqualification set out in section 80 of the Local Government Act 1972 or any decision made under section 79 of the Local Government Act 2000 and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

Candidate's signature to declarations:

Date of signature:

**Section 6: Candidate's signature to nomination paper and attestation by witness** (see note 6)

Declaration by witness

The witness must complete and sign the following declaration before attesting the candidate's signature.

I [insert name of witness] declare that I am an elector.

Signature of witness:

Date of signature:

Candidate's signature and attestation by witness

Candidate's signature:

Date of signature:

Signed in the presence of a witness:

Signature of witness:

**Notes to the form of nomination paper**

Note 1: The date to be given here is the date on which the poll is to take place.

Note 2: If a candidate commonly uses forenames or surnames that are different in any respect from the forenames or surnames that are given in the first part of section 2, the candidate's commonly used forenames or surnames may be given in the appropriate place in the second part of section 2 if the candidate so wishes. This includes (but is not limited to) cases where the difference is that the commonly used forenames or surnames are in a different order, include only some of the names or include additional names. Where commonly used forenames or surnames are given, those names will generally appear in the statement of persons nominated and on the ballot paper (instead of any other names). There are circumstances in which the returning officer may refuse to use the commonly used names and these are set out in rule 14 of Schedule 2 to the Local Elections (Communities) (Wales) Rules 2021.

Note 3: The only descriptions that may be given are (a) a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under

rule 6 of Schedule 2 to the Local Elections (Communities) (Wales) Rules 2021 (“a permitted party description”), or (b) the word “Independent”.

In certain circumstances, a candidate using a permitted party description may add the word “Wales”, “Welsh”, “Cymru” or “Cymreig” to the description. Those circumstances are set out in rule 7 of Schedule 2 to the Local Elections (Communities) (Wales) Rules 2021.

Note 4: The requirements for statements of party membership are set out in rule 8 of Schedule 2 to the Local Elections (Communities) (Wales) Rules 2021.

Note 5: The first declaration reflects the requirements set out in section 79 of the Local Government Act 1972. That section defines “qualifying Commonwealth citizen”, “relevant citizen of the Union” and “qualifying foreign citizen”.

Note 6: Under rule 5(5) of Schedule 2 to the Local Elections (Communities) (Wales) Rules 2021 the nomination paper must be signed by the candidate in the presence of an elector who must attest the signature. “Elector” is defined in rule 5(7) as a person who is registered in the register of local government electors for the electoral area in question on the last day for publication of the notice of election. However, it includes a person then shown in the register as below voting age only if it appears from the register that they will be of voting age on the day fixed for the poll and it does not include a person who has an anonymous entry.

**Appendix 2**  
**Rule 22(3)**

<b>Form of front of ballot paper</b>
<b>Election of councillors to [insert the name of the community council]</b>
Vote for <b>only one candidate</b> by putting a cross [x] in the box next to your choice. OR Vote for <b>no more than [insert number of candidates to be elected] candidates</b> by putting a cross [x] in the box next to each of your choices.*
*The returning officer must select the wording that is appropriate for the election.
<b>JAMES, Lisa</b> 6, Y Stryd, Y Dre CY36 4EZ <b>Promotion of Ethics in Local Government Party</b>

**THOMAS, Gareth**  
Iceland  
**Electoral Law Improvement Party**

**THOMAS RICHARDS, Angharad**  
The County of Hafod  
**Good Law Party**

**WYATT, Cath**  
The County of Cornwall  
**Efficiency Party**

**Form of back of ballot paper**

Number:

Other unique identifying mark:

Election for the [insert name] ward of the [insert name of the community] on [insert date of poll] OR (in the case of a community that is not divided into wards) Election for the [insert name of the community] on [insert date of poll]

**Form of Directions as to Printing the Ballot Paper**

1. Nothing may be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the directions set out in paragraphs 3 to 13 must be followed in the printing of the ballot paper.
3. No word may be printed on the front of the ballot paper except:
  - (a) the heading “Election of councillors to [insert the name of the community council]”;
  - (b) the direction “Vote for only one candidate by putting a cross [x] in the box next to your choice” or, where more than one candidate is to be elected, “Vote for no more than [insert the number of candidates to be elected] by putting a cross [x] in the box next to each of your choices”;
  - (c) the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated;
  - (d) words forming part of any emblem to be included against the candidate’s particulars.
4. A box must be printed around the heading referred to in paragraph 3(a) and the direction referred to in paragraph 3(b), and the heading and direction must be separated within the box by a horizontal line extending across it.
5. No line may be printed on the front of the ballot paper

except:

- (a) as part of the box referred to in paragraph 4;
- (b) the horizontal line referred to in that paragraph;
- (c) a horizontal line above the particulars of the first candidate;
- (d) horizontal lines separating the particulars of each candidate from the particulars of the other candidates;
- (e) a horizontal line below the particulars of the last candidate; and
- (f) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.

6. The horizontal lines referred to in paragraph 5(c), (d) and (e) must be equally spaced and the space between each of them must be a minimum of 2.5 centimetres.

7. The boxes referred to in paragraph 5(f) must not touch any horizontal line and each one must be equidistant between the horizontal line above it and the horizontal line below it.

8. Each of the horizontal lines referred to in paragraph 5(c) and (d) must extend from a point level with the text on the left-hand side of the page to a point directly above the centre of the box below that line.

9. The horizontal line referred to in paragraph 5(e) must:  
(a) extend from a point level with the text on the left-hand side of the page to a point directly below the right-hand edge of the box above that line; and  
(b) be thicker than the other horizontal lines.

10. Where a registered emblem is to be printed against a candidate's particulars:

- (a) it must be printed adjacent to and to the right of the candidate's particulars; and
- (b) its size as printed must not exceed 2 centimetres square.

11. All the words on the front of the ballot paper must appear in the same large type except that:

- (a) the heading referred to in paragraph 3(a) must appear in very large and bold type;
- (b) in the direction referred to in paragraph 3(b), the words "only one candidate" or, as the case may be, "no more than [insert the number of candidates to be elected] candidates" must appear in very large and bold type;
- (c) the remainder of that direction must appear in very large type; and
- (d) the names of the candidates and the descriptions (if any) must appear in bold type.

12. The surnames of each candidate must appear in capitals and the candidate's other names and any description must be in lower case with initial capitals.

13. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.



Ballot paper Nos:

(The returning officer must omit the name where the ballot papers are sent or delivered to an elector with anonymous entry in the register.)

Please read the instructions at the end before completing this form and the ballot paper.

I AM THE PERSON THE BALLOT PAPERS  
NUMBERED ABOVE WERE SENT OR DELIVERED  
TO:

Voter's date of birth (in the format dd/mm/yyyy):

\*Signature:

(Keep signature within border)

\* The returning officer must omit the requirement for a signature where the person has been granted a waiver.

**Warning: Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper. It is illegal to vote more than once (unless you are appointed as proxy for another elector) at the same election.**

**Instructions on marking the ballot papers and completing the postal voting statement**

1. You have been supplied with two ballot papers. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of county or county borough council]. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of community council].

2. When you are voting at the election of councillors to the [insert name of county or county borough council], mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name of the candidate(s) you are voting for. Do not mark your ballot paper in any other way or your vote(s) may not be counted.

Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.  
(The returning officer must select the wording that is appropriate for the election.)

3. When you are voting at the election of councillors to the [insert name of community council], mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name of the candidate(s) you are voting for. Do not mark your ballot paper in any other way or your vote(s) may not be counted.

Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.

(The returning officer must select the wording that is appropriate for the election.)

3. If you need help voting, the person helping you must not tell anyone how you voted.

4. Put the ballot papers in the small envelope marked **A** and seal it.

5. Complete the postal voting statement by signing it and providing your date of birth. If you do not, the postal voting statement will be invalid and your votes will not be counted. Note that it is your **date of birth** that is required, not the date on which you sign the statement.\*

\*Where the requirement for a signature has been waived, the returning officer must change this instruction so that it reads:

5. Complete the postal voting statement by providing your date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you complete the postal voting statement.

6. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. It is preferable to return it straightaway.

**7. After receiving the postal vote, you cannot vote in person at a polling station at the elections.**

8. If you accidentally spoil any of your ballot papers, you can apply to the returning officer for a replacement before 5 pm on [insert the date of the poll]. You must return all the ballot papers, the postal voting statement and the envelopes marked A and B. Make sure you contact the Returning Officer as soon as possible. [Returning officer to provide details for assistance.]

9. Your ballot papers and the postal voting statement must be—

(a) sent by post to the returning officer in sufficient time for it to be received by the returning officer before 10 pm on [insert the date of the poll];

(b) given by hand to the returning officer before 10 pm on [insert the date of the poll]; or

(c) handed in on [insert date of the poll] at any polling station in the appropriate area before 10 pm.

The appropriate area referred to in paragraph (c) is [returning officer to insert a description of the appropriate area].

**Form of Postal Voting Statement (for use where polls are combined but the issue and receipt of postal ballot papers is not combined)**

Voter's name:

Ballot paper No:      Colour:

(The returning officer must omit the name where the ballot papers are sent or delivered to an elector with anonymous entry in the register.)

Please read the instructions at the end before completing this form and the ballot paper.

I AM THE PERSON THE BALLOT PAPER  
NUMBERED ABOVE WAS SENT OR DELIVERED TO.

Voter's date of birth (in the format dd/mm/yyyy):

Signature\*:

(Keep signature within border)

\*The returning officer must omit the requirement for a signature where the person has been granted a waiver.

**Warning: Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper. It is illegal to vote more than once (unless you are appointed as proxy for another elector) at the same election.**

**Instructions on marking the ballot paper and completing the postal voting statement**

1. The poll at the election of councillors to the [insert name of county or county borough council] has been combined with the poll at the election of councillors to the [insert name of community council]. You have chosen to vote by post. You have been issued with two ballot papers. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of county or county borough council]. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of community council]. Each ballot paper has its own ballot paper envelope (marked **A**), postal voting statement and return envelope (marked **B**). You may find it helpful to sort the documents into separate sets.

These instructions relate to the ballot paper coloured [ ] for use at the election of councillors to the [insert name of community council] and the postal voting statement relating to that ballot paper.

2. Mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name of the candidate(s) you are voting for. Do not mark your ballot paper in any other way or your vote(s) may not be counted.

Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates. (The returning officer must select the wording that is appropriate for the election.)

3. If you need help voting, the person helping you must not tell anyone how you voted.

4. Put the ballot paper in the small envelope marked **A** and seal it.

5. Complete the postal voting statement by signing it and providing your date of birth. If you do not, the postal voting statement will be invalid and your votes will not be counted. Note that it is your **date of birth** that is required, not the date on which you sign the statement.\*

\*Where the requirement for a signature has been waived, the returning officer must change this instruction so that it reads:

5. Complete the postal voting statement by providing your date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you complete the postal voting statement.

6. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. It is preferable to return it straightaway.

**7. After receiving the postal vote, you cannot vote in person at a polling station at the elections.**

8. If you accidentally spoil your ballot paper, you can apply to the returning officer for a replacement before 5 pm on [insert the date of the poll]. You must return the ballot paper, the postal voting statement and the envelopes marked A and B. Make sure you contact the Returning Officer as soon as possible. [Returning officer to provide contact details for assistance.]

9. Your ballot paper and the postal voting statement must be—

(a) sent by post to the returning officer in sufficient time for it to be received by the returning officer before 10 pm on [insert the date of the poll];

(b) given by hand to the returning officer before 10 pm on [insert the date of the poll]; or

(c) handed in on [insert date of the poll] at any polling station in the appropriate area before 10 pm.

The appropriate area referred to in paragraph (c) is [returning officer to insert a description of the area].

## **Appendix 5**

### **Rule 31(4)**

#### **Poll Cards**

Where a decision is made to combine poll cards (see rule 31(7)), the poll cards shown in this Appendix may be

adapted.

**Official Poll Card (to be sent or delivered to an elector voting in person)**

Front of card

<b>Official Poll Card</b>	
Council: Electoral area: Polling Day: Polling Hours: 7 am to 10 pm Your polling station will be:	Number on register: *Name: *Address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.

**\*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk there.**

See further information on the back of this card.

Back of card

Local Government Election

\*When you go to the polling station, tell the clerk your name and address, as shown on the front of this card.

\*The clerk will confirm your details on the register.

When you are given your ballot paper, go to one of the polling booths. Mark a cross (x) in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.

**Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.** (The returning officer must select the wording that is appropriate for the election.)

**Do not put any other mark on the back of the ballot paper or your vote may not be counted.**

If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.

When you have marked the ballot paper, fold it in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If you will be away on the date of the poll, there are other ways of voting.

(1) You can apply to vote by post. Your application must be received by the returning officer before 5 pm on [insert the

deadline date]. If you are given a postal vote, you will not be entitled to vote in person at this election.

(2) You can apply to vote by proxy (this means someone can vote on your behalf). Your application must normally be received before 5pm on [insert the deadline date]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you.

In certain circumstances it may be possible to apply to vote by proxy after [insert the deadline date].

If you want to vote by post or proxy, please contact [insert helpline number] as soon as possible.

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**You must have this card with you when you vote. You cannot vote without it.**

**When you go to the polling station, ask to speak to the presiding officer and show them this card.**

**The presiding officer will confirm your entry on the register.**

---

**Official Postal Poll Card (to be sent or delivered to an elector voting by post)**

Front of card

**Official Postal Poll Card**

Council: Electoral area: For the election on: [insert date of poll] Number on register: *Name and address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.	This card is to tell you that you have asked to vote by post for this election, and you will not be able to vote in person in a polling station. If you want to cancel your postal vote please call the helpline number [insert helpline number] before 5 pm on [insert deadline date]. <b>We will send or deliver your postal voting papers around [ ], addressed to [insert name and address]. If your postal voting papers have not arrived by [insert date], call</b>
--	--

	<b>[insert helpline number] and ask for help.</b>
--	---

If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5pm on [insert date of poll.]

**This card is to provide you with information about voting by post.**

See further information on the back of this card.

Back of card

Local Government Election

When you receive your postal voting pack, please read the instructions with it carefully when completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the returning officer by calling the helpline on [insert helpline number].

You must **sign** the postal voting statement and **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your signature and date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your signature and date of birth against other records that they hold.\*

\*Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead.

You must **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].

It is preferable to complete and return your postal vote as soon as possible. The returning officer must receive your postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll]. You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the appropriate area before 10 pm. The

appropriate area is [returning officer to insert description of the appropriate area.]

If you want to vote in person at the elections, you must cancel your postal vote before 5 pm on [insert deadline].

If you need any assistance, please call the helpline on [ ].

**It is an offence to vote using a ballot paper that was not addressed to you.**

Issued by the returning officer

**Official Proxy Poll Card (to be sent or delivered to a proxy voting in person)**

Front of card

<b>Official Proxy Poll Card</b>	
Council: Electoral area: Polling Day: Polling Hours: 7 am to 10 pm Your polling station will be:	*This poll card is to tell you that for this election the elector named on the back of this card has appointed you as their proxy. *Proxy's name: *Proxy's address: *Note: This section is to be omitted where the poll card is sent or delivered to the proxy of an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.

**\*This card is for information only. You can vote without it but it will save you time if you take it to the polling station and show it to the clerk there.**

See further information on the back of this card.

Back of card

Local Government Election

\*This poll card is to tell you that for this election you are appointed as proxy for:

\*[Insert elector's name]  
\*[Insert elector's address]  
\*[Insert elector's number on register]

\*When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the elector shown above.  
\*The clerk will confirm the details on the register.

When you are given the ballot paper, go to one of the polling booths. Mark a cross (x) in the box on the right-

hand side of the ballot paper opposite the name(s) of the candidate(s) the elector is voting for.

**Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.** (The returning officer must select the wording that is appropriate for the election.)

**Do not put any other mark on the back of the ballot paper or the vote may not be counted.**

If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.

When you have marked the ballot paper, fold it in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.

The person who appointed you as proxy may vote at this election. If they wish to do so, they must vote in person before you vote on their behalf.

If you will be away on the date of the poll, you can apply to vote by post as proxy. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a proxy postal vote, neither you (on the elector's behalf) nor the elector will be entitled to vote in person at this election.

**It is illegal to do any of the following—**

Vote more than once (unless you are appointed as proxy for another elector) at the same election.

Vote as proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Vote as proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on [ ].

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**You must have this card with you when you vote. You cannot vote as proxy without it.**

You are entitled to vote as proxy for the elector whose electoral number is shown below.

(Elector's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card. The clerk will confirm the details on the register.

Official Proxy Postal Poll Card (to be sent or delivered to a proxy voting by post)  
Front of card

**Official Proxy Postal Poll Card**

Council:  
Electoral area:  
For the election on: [insert date of poll]:  
Proxy's name and address:

This poll card is to tell you that for this election the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. **You will not be able to vote on behalf of the elector in a polling station.** If you want to cancel this postal vote and vote in person on polling day, please call the helpline shown below before 5pm on [insert date of deadline].  
**We will send or deliver the proxy postal voting papers around [insert date ].**  
**If the proxy postal voting papers have not arrived by [insert date], please call [insert helpline number] and ask for help.**

If you lose or accidentally spoil the elector's postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 pm on [insert date of the poll].

**This card is to provide you with information about voting by post as proxy.**

See further information on the back of this card.

Back of card

Local Government Election

**\*This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post:**

\*[Insert elector's name]

\*[Insert elector's address]

When you receive your postal voting pack, please read the instructions with it carefully when completing your postal ballot paper.

Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the returning officer by calling the helpline on [insert helpline number].

You must **sign** the postal voting statement and **provide your date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The returning officer can cross-check your signature and date of birth against other records that they hold.\*

\*Where the requirement for a signature has been waived, the returning officer must include the following statement instead.

You must provide your **date of birth**. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.

If you lose or accidentally spoil your ballot paper, please call the helpline number as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].

It is preferable to complete and return the postal vote as soon as possible. The returning officer must receive the postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll]. You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the appropriate area before 10 pm. The appropriate area is [returning officer to insert a description of the appropriate area].

If you want to vote in person as proxy at the election, you must cancel your postal vote before 5 pm on [insert deadline].

**It is illegal to do any of the following—**

Vote more than once (unless you are appointed as proxy for another elector) at the same election

Vote as proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild

Vote as proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on [ ].

Issued by the returning officer

Alternative text where the elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry, substitute for the paragraphs above marked with an asterisk the following paragraphs:

**This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote by post.**

You are entitled to vote as proxy for the elector whose electoral number is shown below:

(Insert elector's number on register)

## **Appendix 6**

### **Rule 32(11)**

#### **Guidance for Voters at Combined Polls**

1. When you are given your ballot papers, go to one of the polling booths.
2. You have been supplied with two ballot papers. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of county or county borough council]. The ballot paper coloured [insert the appropriate colour] is for use at the election of councillors to the [insert name of community council].
3. At the election of councillors for the county or county borough council, mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.  
Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.\*  
Put no other mark on the ballot paper or your vote(s) may not be counted.
4. At the election of councillors for the community council, mark a cross [x] in the box on the right-hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.  
Vote for ONE candidate only OR Vote for no more than [insert the number of candidates to be elected] candidates.\*  
Put no other mark on the ballot paper or your vote(s) may not be counted.
5. Fold each of the ballot papers in two.
6. Show the presiding officer the number and other unique identifying mark on the back of the ballot papers but do not let anyone see your votes.

7. Put each ballot paper in the appropriate ballot box OR Put the ballot papers in the ballot box.\* Then, leave the polling station.

8. If you spoil any of your ballot papers by mistake, show it to the presiding officer and ask for a replacement.

\* The returning officer must choose whichever direction is appropriate for the election. The first alternative is appropriate where separate ballot boxes are used for each election. The second alternative is appropriate where the same ballot box is being used for each.

### **Appendix 7 Rule 37(4), (5)**

#### **Form of certificate as to duties**

Election in the [insert name] electoral ward of [insert name of the county or county borough in respect of which the election is held]

Election in the [insert name] electoral area of [insert name of the community in respect of which the election is held]\*

\*If the certificate is issued in respect of only one of the elections, the form may be adapted accordingly.

I certify that [insert name] whose number in the register of electors for the electoral area named above is [insert number in the register] cannot reasonably be expected to go in person to the polling station allotted to them at the elections described above on [insert date of the poll] because of the circumstances of their duties on that day for a purpose connected with the elections.

Appropriate signature:

Date:

The appropriate signature is the signature of the returning officer where the person named is a member of the returning officer's staff and the signature of a police officer of the rank of Inspector or above where the person named is a constable, community support officer or community support volunteer.

*Note:* The person named is entitled to vote at any polling station in use for the elections on production and surrender of the certificate to the presiding officer.

### **Appendix 8 Rule 44(6)**

#### **Form of declaration to be made by the companion of a voter with disabilities**

This form shows both the declaration to be used at an election of councillors for a county or county borough and the declaration to be used at an election of councillors for a community. Separate forms may be used for each declaration instead.

I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted], whose number on the register is [insert number of voter being assisted]\*, to give their vote at the election of councillors for the [insert name of county or county borough council] now being held in this electoral ward hereby declare that—

I am entitled to vote as an elector at the election (see note 1), OR

I am the [insert relationship of the companion to the voter] of the voter and have attained the age of 16 (see note 1)

I have not previously assisted any voter with disabilities to vote except [insert the name and address of any other voter who has been assisted by the companion to vote at the election] (see note 2).

Signed by companion:

Date:

I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted], whose number on the register is [insert number of voter being assisted]\*, to give their vote at the election of councillors for the [insert name of community council] now being held in this electoral area hereby declare that—

I am entitled to vote as an elector at the election (see note 1), OR

I am the [insert relationship of the companion to the voter] of the voter and have attained the age of 16 (see note 1)

I have not previously assisted any voter with disabilities to vote except [insert the name and address of any other voter who has been assisted by the companion to vote at the election] (see note 2).

Signed by companion:

Date:

\*If the companion is asked to assist a voter with disabilities voting as proxy the opening words of the declaration must instead be "I [insert name of companion] of [insert address of companion] having been asked to assist [insert name of voter being assisted] who is voting as proxy for [insert name of elector], whose number on the register is [insert number of elector]".

I, the undersigned, being the presiding officer for [insert name of polling station] hereby certify that the above declarations were read to the companion and were signed by the companion in my presence.

Signed by presiding officer:

Date:

Time:

**Notes to the form of declaration to be made by the companion of a voter with disabilities**

1. The companion is eligible to assist the voter at an election if the companion is either (a) entitled to vote as an elector at that election, or (b) is a relative of the voter and has attained the age of 16. A person is a “relative” of the voter if they are the grandparent, parent, brother, sister, spouse, civil partner, child or grandchild of the voter.

2. The companion may have assisted one (and only one) other person to vote at the election.

3. A voter with disabilities is a voter who has made a declaration that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.

4. *A person who, in making the declaration set out in this form, knowingly and wilfully makes a statement that is false in a material particular is guilty of an offence.*

**SCHEDULE 3**

Rule 7

**Form of Election Expenses**

**Declaration as to election expenses**

Election of councillors to [insert name of the community council]

Electoral area: [insert name of the electoral area]

Date of election: [insert date of election]

Candidate’s full names (as shown in the statement of persons nominated):

Complete and sign the following declaration.

I declare that—

(a) the amount paid by me or on my behalf for my election expenses at the election was [insert the amount paid];

(b) to the best of my knowledge and belief, no other election expenses have been paid or incurred by me or

by any other individual or organisation in connection with my candidature;

(c) to the best of my knowledge and belief, the accompanying return of election expenses is complete and correct as required by law.

Candidate's signature:

Date of signature:

SCHEDULE 4                      Rule 8  
Consequential Amendments

## **Explanatory Memorandum to draft Local Elections (Principal Areas) (Wales) Rules 2021**

This Explanatory Memorandum has been prepared by the Department for Local Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the draft Local Elections (Principal Areas) (Wales) Rules 2021. I am satisfied the benefits justify the likely costs.

## **PART 1**

### **1. Description**

The draft Local Elections (Principal Areas) (Wales) Rules 2021 (“these Rules”) set out the rules of conduct by which the election of councillors to county and county borough councils in Wales are to take place.

Throughout this Explanatory Memorandum certain generic terms are used for succinctness:

- Principal area – referring to a county and / or a county borough
- Principal council – referring to a county council and / or a county borough council
- Community council – referring to a community council and / or a town council

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

These Rules make certain new provision and update, consolidate and re-state the law concerning principal council elections and the rules by which they are conducted. They are largely derived from The Local Elections (Principal Areas) (England and Wales) Rules 2006 (“the 2006 Rules”) which applied across principal council elections in England and Wales. This means, that while the 2006 Rules make provision for Wales, large parts of the 2006 Rules do not apply to the form of local government in Wales. These Rules make new provision about certain election procedures and, in keeping with the principles set out in the Legislation (Wales) Act 2019, they will consolidate and re-state existing law; update the law where appropriate to make it more accessible particularly using clearer language and will be Wales specific. These Rules will make clear that the 2006 Rules will no longer apply for the purposes of principal council elections in Wales, (although they will continue to apply for principal council elections in England).

In addition, these Rules will be made bi-lingually for the first time.

### **3. Legislative background**

The Welsh Ministers are empowered to make these Rules under section 36A(1), (2), (4)-(6) and (9) of the Representation of the People Act 1983.

Section 36A(1) sets out that elections for councillors for local government areas in Wales must be conducted in accordance with rules made by the Welsh Ministers. Section 36A(2) sets out what these rules must do including requiring polls to be conducted where the election is contested and establishing the requirements for becoming a candidate for election etc.

Sections 36A(4) – (6) set out further provisions around what the rules may do and how these rules interact existing legislation. This includes giving Welsh Ministers to power to make supplementary, incidental, consequential, transitional, transitory or saving provisions to any enactment when giving full effect to these rules.

Section 36A(9) sets out the procedure by which these rules should be made. That is these rules will be made by statutory instrument and will include power to make different provisions for different purposes.

These Rules are presented to be laid before the Senedd under section 36A(10) of the Representation of the People Act 1983 and are subject to approval by resolution of Senedd Cymru.

#### **4. Purpose and intended effect of the legislation**

The intended effect of these Rules is to set out the rules of conduct by which the election of councillors to county and county borough councils (“principal councils”) in Wales is to take place. These Rules are Wales specific and aim to provide an updated and modernised set of conduct rules.. They also provide for policies made as part of the development and delivery of the *Local Government and Elections (Wales) Act 2021* to be implemented. These policy changes were consulted on as part of the *Electoral Reform in Local Government in Wales* consultation conducted in 2017. The policies being taken forward in these Rules relate to the optional publication of the candidate’s home address, the statement of party affiliation, the right of a candidate at a principal council election to submit an electronic personal statement, and the necessary changes to secondary legislation following the extension of the franchise to those aged 16 and 17 and qualifying foreign citizens.

A link to the consultation can be found here: [Electoral reform in local government in Wales | GOV.WALES](#)

Rules 1 to 5 of these Rules set out the legislative basis upon which they are made and the purpose of the Rules i.e. to provide for the conduct of an election of councillors for a principal council. These sections also set out that there are two Schedules providing details of the rules of conduct. Schedule 1 sets out the rules that apply to the conduct of a principal council election where the poll is not taken together with the poll at another election. Schedule 2 sets out the rules that apply to the conduct of a principal council election where the poll for that election is taken together or combined with the poll at another election.

#### **Schedule 1 - Rules for the conduct of a principal council election where the poll is not taken together with the poll at another election**

##### Part 1: Provision as to time

This Part of these Rules sets out the required timetable for certain specified activities that take place prior to and including polling day. This includes setting

deadlines for the publication of the notice of election, delivery of nomination papers, delivery of notice of withdrawal of candidature, publication of statement as to person nominated, notice of uncontested election, notice of poll in contested election and polling day.

## Part 2: Notice of election, nomination and method of election

### *Notice of election*

Part 2 sets out the rules around the notice of election and what that notice should include. It requires returning officers to include specific details as part of the notice around the date and time of the poll and where and how to obtain the appropriate forms of nomination papers and where to submit these papers.

It also allows returning officers to make it clear in the notice that nomination papers may be obtained and submitted online. The ability to access and submit nomination papers online is a new provision, this is to reflect modern practices and to support candidates in having as accessible a process as possible in standing for election. There will no longer be a requirement for papers to be collected or submitted in person which can be a barrier to candidates for a number of reasons. Support will still be provided to candidates around the appropriate completion and checking of forms if they choose to use the online option.

### *Nomination of candidates*

This Part also sets out the rules in relation to the nomination of candidates. Returning officers must supply candidates with nomination papers and must, on request, prepare a nomination paper for signature. Returning officers may also make provision that nomination papers can be obtained, completed and submitted online. A candidate will be officially nominated when they have formally submitted the completed candidate nomination paper that is set out in the form at Annex 1 to the Rules set out in this document, or complete a form that is like the form set out in these Rules. The candidate must have signed the nomination form in the presence of a witness who is a registered local government elector in the electoral ward in question and must attest the signature.

Nomination papers must be returned to the returning officer in line with the notice of election which can include the return of forms online, if the option has been made available. This Part also sets out the required information on a nomination paper and specific rules around that information. It also sets out the rules around the descriptions a candidate may use on nomination papers and thence on the ballot paper. This relates to political descriptions and allows descriptions to be used that are likely to lead electors to associate the candidate with a registered political party, or with two registered political parties. Alternatively, it allows candidates to indicate they are an “independent” candidate. A candidate may use both English and Welsh language descriptions on their nomination forms.

This Part also allows for the words “Wales”, “Welsh”, “Cymru” or “Cymreig” to be prefixed or suffixed to a political party name or descriptor. That is to say, a person may use the term “Wales” or “Welsh” before the description of their party or parties, or may use the term “Cymru” or “Cymreig” after the description of their party or parties if using a Welsh language description.

There is a requirement that candidates will have to declare on their nomination papers if they are, or have been, members of a registered political party in the last 12 months, but that is not a party for which they are seeking to stand in the election in question. The “relevant period” is the period of 12 months ending with the day on which the candidate delivers their nomination papers. This is a new provision designed to support better voter information and will require such candidates to declare any such membership at any time in the previous 12 months, and the details of that party or parties. If a candidate knowingly fails to provide this information they will have committed an electoral offence and will be guilty of a corrupt practice.

As part of the nomination process, candidates will be required to complete a home address form. These Rules provide for the details that should be included on that form. The address the candidate provides will be based on their qualification to stand for election in the county or county borough. There are a number of ways a person may qualify to stand for the principal council in question including:

- that the person is a registered local government elector at an address in that county or county borough;
- if a person is an owner or tenant of land or other premises in the county or county borough;
- if a person’s principal or only place of work is within the county or county borough; or
- the person has been resident in the county or county borough.

The “home address” provided on this form (which may be one or more of the above options) will reflect the qualification of the candidate to stand for election to the principal council.

While completion of a home address form is a mandatory part of the nomination process, candidates will be able to indicate that they do not want their home address to be made public or published on the ballot papers. If candidates so indicate, they must identify a relevant home area instead. The relevant home area will be the candidate’s home local government area, or country as the case may be (see Rule 9). This is a new policy that brings local government elections in Wales in line with Senedd elections and other elections across the United Kingdom. The returning officer is responsible for ensuring, where a candidate has indicated the home address is not to be published, that the wishes of the candidate are actioned.

These Rules make provision for candidates to draft and supply the principal council with a personal statement in support of their election campaign. The

principal council is then required to publish the personal statement on the local authority website. Rule 10 sets out the parameters of the personal statement including that it must be no more than 180 words, must only set out why the candidate is seeking election, can be written in any language the candidate chooses and may include a photograph of the candidate. If the personal statement is in a language which is neither English nor Welsh, the candidate must provide a translation of the statement into either English or Welsh. There are certain other presentational requirements as set out in Rule 10.

These are new provisions and were consulted upon in 2017 as part of the *Electoral Reform in Local Government in Wales* consultation. In this consultation 84% of respondents answered positively when asked “Do you agree that each candidate should be required to provide a personal statement for inclusion on a website provided by the authority to whom they are seeking election?” Given the overwhelming support for this proposal, the Rules have been drafted to include appropriate provision to allow for personal statements to be provided in a straightforward and accessible way for the electorate.

Rules 11, 12 and 13 set out the circumstances where a returning officer makes a decision on the validity of the nomination paper, setting out the circumstances in which a candidate does not stand as nominated, and also makes clear that if a candidate is nominated in more than one electoral ward they must withdraw their candidature from all but one of those wards by the deadline for the withdrawal of candidature. The Rules make clear that a candidate may only stand for election in one electoral ward or area. Rule 13 sets out how a candidate may withdraw their candidature by giving notice to the returning officer.

Once the deadline for nominations is reached, the returning officer must publish a statement of persons nominated and must also publish the personal statements of the nominated candidates. This statement of persons nominated must include the appropriate information on all those who stand nominated as candidates along with information on those that were nominated but no longer stand nominated together with the reason why they no longer stand nominated.

If a person has been nominated and remains a candidate, the returning officer must publish the names and description (if any) of that person as given in their nomination paper, their home address information and the information contained in their statement around political party membership. If the candidate has chosen not to publish their home address (by indicating this on their home address form) the returning officer must not publish the home address as part of the statement of persons nominated, but will include the relevant home area as indicated by the candidate. The statement of persons nominated should be in alphabetical order by surname and must show the commonly used forenames and surnames of the candidate unless those names are considered by the returning officer as likely to mislead or confuse the elector or are considered obscene or offensive.

At the same time as the statement of persons nominated is published, the returning officer must publish online the personal statement of all candidates that have submitted one to them.

Where two or more candidates have a name that is very similar or the same, they have stated their home addresses should not be published and the relevant home area is the same, the returning officer may make amendments or additions that will help the voter distinguish between the two candidates. The returning officer must have regard to any guidance given by the Electoral Commission when making these amendments or additions. Where it is practical do to so, the returning officer must also consult the people whose information is being amended or added to.

The returning officer is allowed to correct any minor errors found in the nomination paper, home address form or personal statement as long as this is done before the statement of persons nominated is published. Rule 17 sets out the type of errors that may be corrected.

Rules 18 and 19 set out the process by which nomination papers and home address forms may be inspected. Nomination papers may be inspected by anyone during the “time for inspection”, this means ordinary office hours on any day after the last day for the delivery of the nomination papers and before the day of the poll. A person inspecting nomination papers may take a copy, or make extracts, from the papers. The inspection of home address forms may only be undertaken by persons listed in Rule 19 of these Rules. They are:

- another candidate standing in the same electoral ward,
- the election agent of another candidate standing in the same electoral ward,
- a person nominated by a candidate within the electoral ward if they are acting as their own election agent.

The time for inspection of the home address form is the same as for the nomination papers, however someone inspecting the home address form is not allowed to take a copy or make extracts of that form.

Finally, Rule 20 allows the proceedings relating to the nomination process to be abandoned by the returning officer if the proceedings are interrupted on any day by riot or open violence. If the day on which the proceedings are abandoned is the last day for the delivery of nomination papers, the proceedings must continue the following day.

### *Method of election*

Following the nomination procedure and the publication of the statement of persons nominated, the returning officer must decide whether the number of persons remaining validly nominated for the electoral ward exceeds the number of councillors to be elected.

If the number of persons remaining validly nominated *does not* exceed the number of councillors to be elected, the returning officer must declare the person or persons standing to be elected, in which case no poll takes place.

If the number of persons remaining validly nominated *does* exceed the number of councillors to be elected, a poll must take place.

### Part 3: The poll at contested elections

#### *General provisions*

The general provisions set out in Part 3 of these Rules concern the preparations the returning officer must make for the holding of a poll to elect the councillors.

Rule 22 provides that the votes at a poll must be given by ballot. The ballot of every voter must consist of a ballot paper. The only persons entitled to have their names inserted on the ballot paper are those that remain validly nominated for the electoral ward in question. The ballot paper must follow the form set out in Appendix 2 to these Rules, it must be printed in accordance with the directions provided in Appendix 2 to these Rules, it must contain the names and descriptions of the candidates and their home address information in line with the information that was published as part of the statement of persons nominated (please note that if a person has chosen to not publish their home address, in line with the statement of persons nominated, it will not appear on the ballot paper; the relevant home area, as indicated by the candidate, will be published instead). The ballot paper must be capable of being folded and have a number and other unique identifying mark printed on the back. The order of the names of the candidates on the ballot papers must be the same as in the statement of persons nominated.

If a candidate has used a description that electors are likely to associate with a registered political party, the ballot paper may contain, against that candidate's name, one registered emblem of the party. If a candidate has used a description that electors are likely to associate with *two or more* registered political parties, the ballot paper may contain, against the candidate's name, one registered emblem of *one* of the political parties. The candidate must make the request for this to happen in writing to the returning officer, who must comply with the request.

The returning officer must prepare a corresponding number list and this must be in the form set out in Appendix 3 to these Rules. The corresponding number list must be in two parts. Part 1 of the list must contain the number and unique identifying marks of all ballot papers to be issued to voters who are entitled to vote by post. Part 2 of the list must contain the numbers, but not the unique identifying mark, of all the ballot papers to be provided to polling stations for issue to voters who are entitled to vote at polling stations.

Each ballot paper to be used at the election must contain appropriate security marking, to be known as "the official mark", the official mark must be kept

secret. A returning officer may use a different official mark for different purposes at the same election, but they must have an interval of at least five years between using the same official mark.

At no point in any legal proceedings challenging the election, will a person that has voted in that election be required to say who they voted for.

For the purposes of taking a poll or counting the votes, the returning officer may use any of the following rooms free of charge:

- a room in a school maintained or assisted by a county or county borough council;
- a room in a school which receives grant from Senedd Cymru or the UK Parliament;
- any other room where the expenses for maintaining the room are met in part or wholly by public funds.

If a returning officer uses such a room, they must make good any damage to the room resulting from its use for polling or counting, and defray any expense incurred in using the room for a poll or counting by the person or body who has control of the room.

#### *Action to be taken before a poll*

Before a poll takes place the returning officer must publish a notice of poll that sets out the day of the poll, and the times when polling can take place. It must also state the number of councillors being elected for the electoral ward, and the names and descriptions of each candidate along with their home address information (as appropriate). At the same time, or as soon as practicable after, the notice of poll is issued the returning officer must give a copy of the notice to each of the election agents.

If a voter is entitled to vote by post, the returning officer must issue them with a ballot paper, a postal voting statement (in the form set out in Appendix 4 to these Rules, or similar form) and the envelopes in which all of the ballot papers and postal voting statement can be returned. The postal voting statement must allow the elector to sign the form, or where a proxy is being used they must be able to sign the form (unless, in either case, the registration officer has dispensed with the need for a signature). The elector must also be able to provide their date of birth on the form, or where a proxy is being used the proxy must be able to provide their date of birth.

The returning officer must also provide the postal voter with information on how they can access support or further information in relation to their ballot. This is to include how to obtain translations into languages other than English and Welsh of any directions or guidance issued with the ballot paper, a translation into Braille of any directions or guidance, graphical representation of any directions or guidance, or any other form that directions or guidance may be available in.

If the postal vote is being issued to a person at an address in the UK, the returning officer must ensure that returning the ballot and postal voting statement is free of charge the voter.

Before, or at the same time, as the notice of poll is issued the returning officer must publish notice of the situation of each polling station and the description of the voters entitled to vote there. The returning officer must ensure that there are a sufficient number of polling stations and allot electors to the polling station. One or more polling station can be provided for in the same room, and the returning officer must provide each polling station with a sufficient number of compartments to ensure voters can mark their votes without being observed.

As soon as practicable after the publication of the notice of election, the returning officer must send or deliver an official poll card to electors not voting by post; an official postal poll card electors voting by post and not by proxy; an official proxy voting poll card to a person voting as a proxy for an elector and not by post; and an official proxy postal poll card to a person voting as proxy for an elector by post. An official poll, or postal poll, card must be sent or delivered to the elector's qualifying address. Similarly, the official proxy poll, or proxy postal poll, card must be sent or delivered to the proxy's address as set out on the list of proxies.

Each poll card must be in the form as that set out in Appendix 5 to these Rules, or a form to the same effect. The poll card must include:

- the name of the council to which the councillor is being elected;
- the electoral ward for which councillors are to be elected;
- the number of councillors to be elected for that electoral ward;
- the elector's name, qualifying address and number on the register;
- the date and hours of the poll and the location of the elector's polling station; and
- any other information the returning officer believes is appropriate.

When someone is entered onto the local government register as an anonymous elector, the poll card must contain the information as set out above save for the elector's name and the poll card must be sent or delivered in an envelope or other covering so as not to disclose that the elector has an anonymous entry.

The returning officer is required to appoint and pay a presiding officer at each polling station and a sufficient number of clerks that are necessary to conduct the poll, or the count, or other purposes of the election. The returning officer must not knowingly appoint a presiding officer or clerk that has been employed by, or on behalf of, a candidate in connection with the election. If the returning officer so wishes they may preside at a polling station with appropriate modifications as to the actions taken by a returning officer to presiding officer or vice versa.

The returning officer is also required to provide each presiding officer with a sufficient number of ballot boxes and ballot papers, as they deem necessary. Every ballot box must be constructed so that ballot papers can be put in but

cannot be taken out of it without the box being unlocked or unsealed (depending on the design of the box). The returning officer must provide each polling station with materials that allow the voter to mark the ballot paper, copies of the relevant register of electors, that is those electors allotted to that polling station, copies of notices issued under these Rules so far as they relate to the relevant register of electors, copies of the parts of any lists of persons entitled to vote by post or by proxy that correspond to the relevant register of electors, and the polling station's corresponding number list, consisting of Part 2 of the corresponding number list as set out in these Rules.

The returning officer must make sure that an enlarged, sample copy, of the ballot paper is displayed at each polling station; this must be clearly marked as a "specimen". This sample ballot paper may include a translation of the words on the ballot paper into languages other than English or Welsh as the returning officer considers appropriate. In addition to this the returning officer must provide each polling station with an enlarged hand-held sample copy of the ballot paper in order to assist voters who are partially-sighted. They must also provide a device that enables voters who are blind or partially-sighted to vote independently, without the assistance of the presiding officer or a companion. This device must allow a ballot paper to be inserted into, or removed from, or attached to, or detached from, the ballot paper without causing damage to the paper. It must also hold the ballot paper firmly in place during use and provide a suitable means by which the voter can identify the spaces on the ballot paper on which votes may be marked, identify the candidate to which each space refers and allow the voter to mark their vote in the space chosen.

The returning officer must also provide a notice as set out in Appendix 6 to these Rules which gives directions for the guidance of voters in voting which will be displayed inside each voting compartment in the polling station, inside the polling station but outside the voting compartments and outside the polling station. The returning officer may also provide copies of the notice in Braille or languages other than Welsh or English, if they believe this is appropriate.

These Rules also set out that candidates can appoint polling agents and counting agents. These appointments must be made before the poll and the returning officer must be notified of the appointments, no later than the fifth day before the poll, including their personal details. The polling agent is able to attend the polling station with the purpose of detecting *personation*, that is to say somebody who is casting a vote at the poll while pretending to be someone else. The counting agent is able to attend the counting of votes. The same person can be appointed as a polling or counting agent by more than one candidate. The returning officer is able to limit the number of counting agents, but that number must be the same for each candidate. If the polling or counting agent were to die, or becomes incapable of acting, the candidate is allowed to appoint another agent and must immediately give the returning officer notice of this along with the personal details of the new agent. If these Rules require that something is done in the presence of the polling or counting agents, and an agent is not in attendance at the appointed time and place, this does not invalidate the action taken. Similarly, where a candidate does not have a

counting agent the returning officer may give the candidate any notice that is required to be given to the counting agent.

The returning officer must ensure that every person attending a polling station, save for those voting, assisting a voter with disabilities or a constable on duty, has been given a notice setting out that they must maintain, and aid in maintaining the secrecy of the ballot. They must not communicate to anyone, before the close of poll, for whom an individual has voted, the number of any elector as set out on the electoral register or the nature of the official mark. If a person does not follow the law as set out in section 66(1), (3) and (6) of the *Representation of the People Act 1983* they will be liable, upon summary conviction to a fine or a period of imprisonment not exceeding 6 months.

If a postal ballot, or a proxy postal ballot is returned to the returning officer, the returning officer must mark the postal voters list or the proxy postal voters list respectively in the manner dictated by the Representation of the People (England and Wales) Regulations 2001.

### *The Poll*

These Rules set out who the presiding officer at a polling station may and may not admit to the polling station. The presiding officer must exclude from the polling station anyone that is not:

- A voter that has been allotted to that polling station;
- Anyone under the age of 16 who is accompanying a voter;
- The candidate and their election agents;
- The polling agents appointed to attend the polling station;
- The clerks appointed to attend the polling station;
- The returning officer or members of the returning officer's staff;
- And anyone would be entitled to be at the polling station under any of the Section 6A to 6D of the Political Parties, Elections and Referendums Act 2000, that is to say representatives of the Electoral Commission and accredited observers;
- The constables on duty; and
- The companions of voters with disabilities.

The presiding officer of the polling station is required to regulate the total number of voters, and persons under the age of 16 who are accompanying a voter that are admitted to the polling station at any one time. No more than one polling agent per candidate will be allowed inside the polling station.

If a constable stationed at the polling station, or a person employed by the returning officer to work at the polling station, wishes to cast their vote at that polling station, rather than at the polling station to which they have been allotted, they may do so as long as they present a certificate in the form set out in Appendix 7 of these Rules. In the case of a constable, this certificate must be signed by a police officer of, or above, the rank of inspector. In the case of a person employed by the returning officer to work at the polling station, this certificate must be signed by the returning officer.

The presiding officer of the polling station must keep order in the polling station. If a person engages in misconduct within the polling station, or fails to obey orders lawfully given by the presiding officer, the presiding officer may order that the person is removed from the polling station. In these circumstances, the person may be removed by a constable in or near the polling station or by any other person that has been authorised in writing by the returning officer to remove people from the polling station. If a person is removed from the polling station, they must not return without the express permission of the presiding officer. If a person is removed and charged with the commission of an offence in the polling station, the person may be dealt with as a person taken into custody by a constable for an offence without a warrant. The powers set on in this rule, Rule 39, must not be exercised to prevent a voter who is otherwise entitled to vote at a polling station from having the opportunity to vote at that polling station.

Immediately before the poll begins the presiding officer must show the empty ballot box to those people (if any) who are present in the polling station. They must see that the ballot box is empty. The presiding officer must then lock up the box (if it has a lock) and place the returning officer's seal on it, in such a way as to prevent it being opened without breaking the seal. The presiding officer must then place the box, within their own view, so that ballot papers can be returned to it. The presiding officer must keep the box locked and sealed, if it has a lock; if it does not have a lock it must be kept sealed.

Rule 41 sets out questions that a presiding officer may ask a person before they are provided with a ballot paper, they may not ask any of these questions once the ballot paper has been given to the person. The Rule also sets out the questions a presiding officer must ask a person upon the request of the candidate or agent. Table 1 and table 2 provided in Rule 41 set out the exact circumstances of the voter and the exact question a presiding officer may ask that voter. The main purpose of these questions is to ascertain the identity of the voter and their eligibility to take part in the way they are seeking to, for example, if they are applying as proxy for an elector who is named on the local government register.

A person may be prevented from voting only if a candidate, or candidate's election or polling agent has made a written declaration that they have reasonable cause to believe that the person has committed an offence of *personation*, that is to say somebody who is casting a vote at the poll while pretending to be someone else; and/or if the person is arrested on the grounds they are suspected of committing or being about to commit an offence of *personation*.

These Rules set out the voting procedure to be followed in the polling station by both the voter and polling station staff. When a voter requests a ballot paper, they must be given one. Immediately before the ballot paper is given the number of the elector, as set out on the electoral register, must be called out. Unless the elector has an anonymous entry, the name of the elector, as set out on the electoral register, must be called out. The number of the elector must be marked on the polling station corresponding number list beside the number of the ballot paper that will be issued. A mark must be placed on the electoral register at the

polling station against the elector's number to show that a ballot paper has been received, this mark must not indicate which particular ballot paper has been received. Where the person is acting as proxy, a mark must be placed against that person's name on the list of proxies. Where an elector has an anonymous entry on the electoral register, the elector's official poll card must be shown to the presiding officer before the ballot paper is given (and a ballot paper must not be given if the elector does not have their official poll card) and only the number may be called out.

Once the voter has received the ballot paper, they must immediately go into one of the compartments of the polling station. The voter must then secretly mark the ballot paper, fold the ballot paper up so that the vote is concealed, show the presiding officer the back of the ballot paper so that the number and other unique identifying mark can be seen and then put the ballot paper into the ballot box in the presence of the presiding officer. As soon as the voter has put the ballot paper in the ballot box, they must leave the polling station. If the voter is in the polling station, or in a queue outside the polling station, at the close of poll and has not yet had the opportunity to cast their vote, the presiding officer must permit them to cast their vote as soon as practicable.

When marking the ballot paper, a voter may ask the presiding officer to place the mark on their behalf if they are blind, have an impairment or are unable to read. The presiding officer must place the mark on the ballot paper as directed by the voter and must do so in the presence of any polling agents that are in the polling station at the time of the request. Once they have placed the mark on the ballot paper as directed by the voter the presiding officer must place the ballot paper in the ballot box. If the presiding officer takes this course of action, they must maintain a list of voters known as the "the list of votes marked by the presiding officer" which includes the name and number of the voter and the reason why the vote was marked on their behalf.

Voters who are blind, have an impairment or who are unable to read may also apply to the presiding officer to be allowed to vote with the assistance of a companion. The voter must tell the presiding officer either orally, or in writing, the reason they are asking for assistance from a companion. The companion of the voter is then required to make a written declaration to the presiding officer stating that they are eligible to assist the voter, that is to say they are an existing voter who is eligible to vote in that election or are a relative of the voter aged 16 years or over. The companion is also required to declare in writing that they have not previously assisted more than one voter with disabilities at the election. This declaration must be in the form set out in Appendix 8 to these Rules and it must be given to the presiding officer who will attest it. The presiding officer at the polling station is required to keep a list of voters known as "the list of voters with disabilities assisted by companions" which includes the name and number of the voter and the name and address of the companion. Where the voter has an anonymous entry on the electoral register, only the electoral number is to be entered onto this list.

These Rules also provide six sets of circumstances where a voter has applied for a ballot paper and is entitled to vote once they have answered satisfactorily

questions set out in Rule 41, but their ballots will be treated differently by being given a ballot paper of a different colour to the other ballot papers used in the election and having to return their ballot to the presiding officer instead of putting it into the ballot box:

- The first set of circumstances where this may happen is if the applicant represents themselves to be a particular elector that has been named in the copies of the electoral register but has not been named as a postal voter or on the list of proxies, and if another person has already voted in person either as that elector or that elector's proxy;
- The second set of circumstances where this may happen is if the applicant represents themselves to be a particular person named in the list of proxies as a proxy for an elector and is not entitled to vote by post as proxy, and that another person has already voted in person either as that elector or as that elector's proxy.
- The third set of circumstances where this may happen is if the applicant represents themselves to be a particular elector named on the electoral register and that applicant is also named in the postal voter list, and the applicant claims not to have made an application to vote by post at the election.
- The fourth set of circumstances where this may happen is when the applicant represents themselves to be a particular person named as a proxy on the list of proxies and that person is also named in the proxy postal voter list, and the applicant claims not to have made an application to vote by post as proxy at the election.
- The fifth set of circumstances where this may happen is where after the last time a person may apply for a replacement postal ballot but before the close of poll, the applicant represents themselves to be a particular elector named in the copies of the electoral register who is also named in the postal voter list and the applicant claims to have lost or not received the person's postal ballot paper.
- The sixth set of circumstances where this may happen is where after the last time a person may apply for a replacement postal ballot paper but before the close of poll, the applicant represents themselves to be a particular person named as a proxy in the list of proxies who is also named in the proxy postal voter list, and the applicant claims to have lost or not to have received that person's postal ballot paper.

In all of these circumstances the ballot paper that is given to the presiding officer is considered to be a "tendered ballot paper" and will be referred to as such in these Rules.

Rule 48 sets out the duties of the presiding officer in relation to tendered ballot papers. When a presiding officer is given a tendered ballot paper they must endorse the ballot paper with the name of the voter and the voter's number as set out in the polling station register, or if the voter is voting as a proxy for an elector, the number of that voter. The presiding officer must put the ballot paper in a separate packet and they must keep a list known as "the tendered vote list" which includes the name of the voter and the voter's number as set out in the polling station register, or if the voter is voting as a proxy for an elector, the

number of that voter. Where the elector has an anonymous entry on the electoral register, only the voter number is required to be kept on this list.

If, during the process of voting, a voter has inadvertently dealt with their ballot paper in a way that it cannot be conveniently used a ballot paper they may obtain another ballot paper. To do this, the voter must give the ballot paper that has been spoiled back to the presiding officer and prove to the presiding officer's satisfaction that the action leading to the spoiling of the ballot paper was undertaken inadvertently. When the voter is issued with a new ballot paper, the spoiled ballot paper must be cancelled immediately.

If a correction is made to the electoral register on the day of the poll, the presiding officer is required to keep a list of persons to whom ballots are provided as a result of these corrections. Corrections to the electoral register can only be made in accordance with sections 13(3B) or (3D) of the Representation of the People Act 1983.

If, during polling day, proceedings are interrupted or obstructed by riot or open violence the presiding officer must adjourn proceedings until the following day and immediately inform the returning officer. Where a poll has been adjourned at a polling station in these circumstances, the hours of polling on the new polling day must be the same as for the original day and will be subject to the rules set out in this legislation with regards to the close of poll.

Once every voter has cast their vote, these Rules set out the processes and procedures that must be followed by the presiding officer at the close of poll. Once every voter has cast their vote the presiding officer must seal the ballot boxes in the presence of the polling agents. This is to stop additional ballot papers being introduced. The presiding officer (and any polling agents that wish to) must then affix their seal to each sealed ballot box. Still in the presence of any polling agents, the presiding officer must prepare and place the following into separate packets each being sealed with the presiding officer's seal (and any polling agent's seal that wishes to affix it):

- The unused and spoiled ballot papers;
- The tendered ballot papers;
- The marked copies of the registration records together with the list of proxies;
- The polling station's corresponding number list;
- Any certificates that have been surrendered to the presiding officer;
- The list of voters marked by the presiding officer, along with a statement of the number of voters, whose votes are marked under the headings of "disability" and "unable to read";
- The declarations made by the companions of voters with disabilities;
- The list of voters with disabilities assisted by companions;
- The tendered votes list;
- The list of correction of errors on polling day.

The sealed boxes and packets must be delivered to the returning officer either by the presiding officer or using an arrangement that has been approved in advance by the returning officer. The packets must be accompanied by a statement called a “ballot paper account” that has been prepared by the presiding officer showing:

- The number of ballot papers given to the presiding officer;
- How the ballot papers are accounted for under the following headings:
  - The number of ballot papers issued and not accounted for,
  - The number of ballot papers unused,
  - The number of spoilt ballot papers,
  - The number of tendered ballot papers.

#### Part 4: Counting of votes and declaration of result at contested election

After the close of poll, the returning officer must make arrangements for the votes to be counted in the presence of counting agents as soon as practicable. The returning officer is required to give the counting agents a notice stating the time and place at which the votes will be counted.

These Rules entitle the following people to be present at the counting of votes:

- The returning officer and members of the returning officer’s staff;
- Each candidate and a guest of each candidate;
- The election agents;
- The counting agents;
- Representatives of the Electoral Commission and accredited observers as provided for under sections 6A to 6D of the Political Parties and Referendums Act 2000; and
- The constables on duty.

The returning officer is allowed to permit any other person to attend the count but only if the returning officer is satisfied that the person’s attendance will not impede the efficient counting of votes and has either consulted the election agents about whether or not to give permission or has decided it is not practicable to consult the election agents. The returning officer must make arrangements to ensure that every person attending the count has been issued with a notice setting out of the requirement around secrecy, in line with section 66(2) and (6) of the Representation of the People Act 1983.

The returning officer is required to give counting agents all reasonable facilities, and all necessary information, for overseeing the proceedings. This is to be done in a way that the returning officer can provide consistently ensuring the orderly conduct of the count and the discharging of returning officer’s duties. This particularly relates to the sorting of votes where a candidate is elected by the use of the simple majority. A counting agent is entitled to satisfy themselves that in this case the ballot papers have been sorted correctly before the counting begins.

Before counting begins the returning officer must, in the presence of the counting agents, open each ballot box, take out the ballot papers, count them and record

the number. The returning officer must not count any tendered ballot papers. The returning officer, again in the presence of the counting agents, must verify each ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the returning officer's possession and the tendered votes list. Following this the returning officer must draw up a statement setting out the result of the verification process and they must give a copy of this statement to any election agent that requests it.

After verifying the ballot paper accounts, the returning officer must count the postal ballot papers that have been properly returned. This means the ballot paper and the properly completed accompanying postal voting statement have been handed in at a polling station in the electoral ward before the close of poll (a person standing inside the polling station or in the queue for the polling station is entitled to hand in their postal vote and it will be counted), given by hand to the returning officer before the close of the poll, or received by the returning officer by post before the close of poll. In this instance a properly completed postal voting statement will be signed by the elector or by the proxy and will state the date of birth of the elector or the proxy. Once this has been done the returning officer must record the number of valid postal ballots counted.

The returning officer must not count the votes given on any ballot paper until, in the case of the postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and, in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

While the process of counting and recording the number of ballot papers and counting the votes is taking place the returning officer must take all proper precautions to prevent any person from identifying the voter who has cast the vote.

The result of the poll must be ascertained by counting the votes given to each candidate. The candidate or candidates to whom more votes have been given than the other candidates (up to the number of councillors to be elected) must be declared to have been elected. The returning officer, so far as is practicable, must proceed continuously with the counting of votes, only allowing time for refreshment. However, if the returning officer wishes, they can exclude any hours between 10pm and 9am the following morning. If the returning officer chooses to exclude any time, they must place the ballot papers and other documents relating to the election under the returning officer's seal and the seal of any counting agents that wish to affix theirs. They must also take proper precautions for the security of the ballot papers and other documents.

These Rules set out the reasons that a ballot paper is to be rejected and considered void. The conditions under which this can happen include the ballot paper does not bear the official mark, a ballot paper on which votes are given for more candidates than the voter is entitled to vote for, a ballot paper on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back, a ballot paper that is unmarked or void for uncertainty.

If the voter is entitled to vote for more than one candidate, a ballot paper is not to be treated as void for uncertainty where any vote has been cast and there is no uncertainty around it; in this instance that vote is to be counted. This means that in some cases ballot papers may contain a valid vote and an invalid vote where it is clear that one (or more) of the votes has been cast properly and without any uncertainty.

A ballot paper is not to be treated as void, only because of how it is marked, if it is clear from the ballot paper that the voter intended to vote for one or other of the candidates, the way the ballot paper is marked does not itself identify the voter and the returning officer is satisfied that the voter cannot be identified from the ballot paper. This Rule should be applied to ballot papers where a vote is marked elsewhere than in the proper place, by other means than a cross or by more than one mark.

Where a ballot paper is rejected under this Rule, the returning officer must ensure it is marked with "rejected" or in the case of a ballot paper that is partially rejected it must be marked with "rejected in part" and there must be a clear indication as to which vote has been counted. If a counting agent objects to the returning officer's decision then the returning officer must add "rejection objected to" on the ballot paper. The returning officer must then prepare a statement showing the number of ballot papers rejected and the number rejected in part with a breakdown of the reasons for the rejection or partial rejection. The decision of the returning officer in respect of a ballot paper is final, but this can be reviewed on an election petition.

Once the count is completed a candidate or a candidate's agent may request a re-count if they so wish. The returning officer must comply with this request unless the returning officer believes the request to be unreasonable. No steps should be taken around the completion of the count until the candidates and agents have had the opportunity to request a recount. This Rule also applies to a recount, that is to say a candidate or candidate's election agent may request a recount of the recount as long as they have been present at the original recount.

If the circumstances arise where, following the counting of votes and any recounts, there is an equality of votes between any candidates and the addition of one vote would entitle any of the candidates to be elected, the returning officer must immediately decide between the candidates by drawing lots. The candidate to which the lot falls should be considered to have received an additional vote and will be declared the elected candidate.

When the count has been completed, the returning officer must declare the candidate, or candidates who have more votes than other candidates to be elected; they must also give notice of the candidates elected to the proper officer of the council for which the election was held. The returning officer must also publish a notice of the names of the candidates elected, the total number of votes given for each candidate (and whether they were elected or not) and the number of rejected ballot papers under each heading in the statement of rejected ballots.

#### Part 5: Disposal of documents

When the process of counting of votes has been completed, the returning officer must seal in separate packets the counted ballot papers, and the rejected ballot papers. The returning officer must not open any packets that were previously sealed containing the tendered ballot papers, completed corresponding number lists, certificates surrendered by constables or staff of returning officers, or marked copies of the registration records and lists of proxies.

Where a returning officer has sealed up the counted and rejected ballot papers they must forward the following documents to the registration officer of the local authority in whose area the election was held:

- The packets of ballot papers in the returning officer's possession;
- The ballot paper accounts;
- The statements of rejected ballot papers;
- The statement as to the result of the verification of the ballot paper accounts;
- The lists of votes marked by the presiding officer, together with the statement of the number of voters whose votes are marked under the headings "disability" and "unable to read";
- The declaration made by the companions of voters with disabilities;
- The lists of voters with disabilities assisted by companions;
- The tendered votes lists;
- The lists of correction of errors on the electoral register on the day of the poll;
- The packets containing completed corresponding number lists;
- The packets containing certificates surrendered by the constables or staff of returning officers;
- The packets containing copies of registration records and lists of proxies; and
- The packets containing the postal voters list and the proxy postal voters list.

These documents must be retained for a period of one year beginning on the day when they are received by the registration officer. At the end of the one year period the registration officer must destroy the documents unless otherwise directed by order of a county court, a Crown Court, a magistrates' court or an election court.

Similarly, the returning officer must destroy each of the candidate's nomination papers and home address forms on the next day following the 35<sup>th</sup> day after the returning officer has returned the names of the elected members. This must happen unless an election petition questioning the election or returning of candidates is presented before that day. If this happens, then the documents must be destroyed as soon as is practicable following the conclusion of proceedings which includes where there is an appeal and the proceedings of the appeal.

Rules 64 sets out the processes of producing documentation for a county court. It relates to specific documents in the custody of the registration officer, the documents are:

- Rejected and counted ballot papers;
- Sealed packets containing completed corresponding number lists; and
- Sealed packets containing certificates surrendered by constables or staff of returning officers.

If a county court is satisfied by evidence given on oath, they are able to make any of the following listed orders. These orders are required for the purpose of instituting and maintaining a prosecution for an offence in relation to a ballot paper, or in relation to ballot papers for the purpose of an election petition. These Orders are:

- An order for the inspection or production of any of the rejected ballot papers including any ballot papers rejected in part;
- An order for the inspection of any of the counted ballot papers;
- An order for the opening of any of the sealed packets containing completed corresponding number lists or certificates surrendered by constables or staff of returning officers. This order can be made for the inspection of the whole or part of the content of a sealed packet.

An election court may make orders relating to these documents and can make:

- An order for the inspection of any of the counted ballot papers;
- An order for the opening of any of the sealed packets containing completed corresponding number lists or certificates surrendered by constables or staff of returning officers. This order can be made for the inspection of the whole or part of the content of a sealed packet.

Any order made under this Rule may be made subject to any of the following conditions the court believes is appropriate. In deciding what is appropriate the court should consider how to ensure that the way the elector has given their vote is not disclosed unless, and until, it is proven that the elector has given their vote and that the vote has been declared invalid by a competent court. The conditions are:

- Conditions as to person;
- Conditions as to time;
- Conditions as to the place and method of inspection;
- Conditions as to the production or opening.

The power set out in this Rule may be exercised by any judge of the county court but must not be exercised in open court. Any appeals around an order made under this Rule will be made to the High Court. Unless the Rule states otherwise, no person may inspect any of the rejected or counted ballot papers, open any of the sealed packets containing completed corresponding number lists or certificates surrendered by constables or staff of returning officers.

When any of the packets detailed above are presented by the registration officer or the registration officer's agent in compliance with the order it must be accepted that this is conclusive evidence that the documents contained within the packets relate to the specified election. Similarly if a packet of ballot papers with an endorsement on the packet is produced by the registration officer or registration officer's agent it must be accepted that the ballot papers are what they are stated to be. This also applies to the votes cast on those ballot papers, that is to say, it must be accepted that the elector whose vote was given on a specific ballot paper was indeed the elector as set out on the local government register of electors for the specified election.

#### Part 6: Death of a candidate

The final provision in Schedule 1 relates to the countermand or abandonment of a poll as a result of the death of a candidate. If, in a contested election, the returning officer is satisfied (before the result of the election is declared) that one of the candidates named on the ballot paper has died the returning officer must countermand the notice of the poll, or if polling has begun, the returning officer must direct that the poll is abandoned and no further ballot papers may be issued.

If a poll is abandoned, the presiding officer at any polling station in use at the election must take the necessary steps, set out in these Rules, at the close of polls. It is not necessary for the presiding officer to prepare a ballot paper account.

The returning officer must deal with ballot papers and other documents that are in their possession (or later delivered to them) when the poll is abandoned in the same way as they would deal with documentation under normal circumstances and in line with the Rules set out in this Schedule. However, the returning officer must seal up all the ballot papers (whether the votes have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets. Any ballot papers on which the votes were neither counted nor rejected are to be treated as counted ballot papers.

## **Schedule 2**

### **Rules for the conduct of a principal council election where the poll is taken together with the poll at another election**

Schedule 2 sets out the rules that apply to the conduct of an election where the poll is taken together or combined with the poll at another election. Most of the Rules are the same as for stand-alone principal council elections, however there are some notable differences. Those Rules that either new, substantially different, or have small differences are detailed below.

Whilst these Rules do not make provision about local government elections when combined with Senedd elections, Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007 will continue to apply (as modified) to such combinations.

### Part 3: The poll at contested elections

#### *General provisions*

Part 3 of these Rules set out procedures around contested elections. Where a poll is combined, the Rules are largely the same as where a poll for a stand-alone principal council election is held. There are some minor changes to the Rules, for instance, in these circumstances the ballot paper must be of a different colour to that of any ballot papers being used at any other election being held in combination with the principal council election.

Similarly, if the poll is combined, there are a number of functions that must be undertaken by the “co-ordinating returning officer”. This means that the relevant function may be undertaken for both elections by the returning officer who, under regulation 4 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (“the Combination of Polls Regulations”), is responsible for discharging the functions specified in regulation 5 of those Regulations to be known as “the co-ordinating returning officer”. These functions stretch across the Rules and are particularly relevant to the duties undertaken in relation to postal voting, at the close of poll and during the count. Further details (where necessary) of these functions are included under the relevant sections.

When issuing poll card, if the returning officer for each relevant election agrees, a combined poll card may be issued which includes all the necessary information for both elections as set out above.

In preparation for polling day the returning officer is required to provide each presiding officer with a sufficient number of ballot boxes and ballot papers, as they deem necessary. Every ballot box must be constructed so that ballot papers can be put in but cannot be taken out of it without the box being unlocked or unsealed (depending on the design of the box). If the returning officer considers it appropriate, the same ballot box may be used for any relevant elections taking place on that polling day, that is to say the principal area election and any other relevant election. If the returning officer does not consider it appropriate, specific provisions must be made for the use of different ballot boxes. Each ballot box must be marked clearly with the election it relates to as shown on the ballot paper for that election, and the box must clearly indicate the colour of ballot paper that should be inserted into the box.

#### *The Poll*

If the poll is combined, the polling station register that is being used for the principal area election may be used for each relevant election the voter is participating in. In this case, when more than one ballot paper is being issued to the voter for the principal area election and other relevant elections, one mark is to be placed on the polling station register and in the list of proxies (if relevant) to denote that the ballot papers have been issued. If the ballot papers being issued to the voter does not include a principal council ballot paper the polling station register must be marked in a way as to identify each election for which a ballot paper has been issued.

Polling station presiding officers are required (as with stand-alone principal council elections) to keep individual lists of electors in specific circumstances. These circumstances are:

- Where the presiding officer is asked to place the mark of voter on the ballot paper if they are blind, have an impairment or are unable to read;
- Where an application has been made to the presiding officer for a companion to assist a voter who is blind, has an impairment or who is unable to read;
- Where a tendered ballot is issued, in these circumstances a “tendered ballot” is the same as set out in Schedule 1 to these Rules; and
- Where a correction is made to the polling station register on the day of the poll.

In each of these cases, if the poll is combined, the list may be used by the presiding officer for both the principal area election and any other relevant election the voter has participated in. Where the same list is used it must be made clear which election the elector participated in, if they did not participate in all elections taking place in the polling station.

#### Part 4: Counting of votes and declaration of result at contested election

The Rules set out in this part apply differently to returning officers depending on whether or not they are the co-ordinating returning officer. While this is unlikely given the returning officer for a principal council election will be returning officer for community and town council elections, there could be circumstances where the co-ordinating returning officer is a different person. If the returning officer is the co-ordinating returning officer, the following Rules apply:

- Rule 54 (attendance at proceedings);
- Rule 55 (preliminary and general duties);
- Rule 56 (separation of ballot papers etc.); and
- Rule 59 to 65 (provisions relating to counting etc.)

Where the returning officer is not the co-ordinating returning officer, the following Rules apply:

- Rule 54(1) and (3) to (7) (attendance at proceedings);
- Rule 57 (preliminary and general duties);

- Rule 58 (opening of containers etc.); and
- Rule 59 to 65 (provisions relating to counting etc.)

Rule 54 sets out who is allowed to be present at proceedings concerning the separation of ballot papers, the opening of containers and the count itself. The following are entitled to be present at these proceedings:

- The returning officer and members of the returning officer's staff;
- Each candidate and a guest of each candidate;
- The principal area election agents;
- The principal area counting agents;
- Representatives of the Electoral Commission and accredited observers as provided for under sections 6A to 6D of the Political Parties and Referendums Act 2000; and
- The constables on duty.

Additionally, any person that is entitled to attend the counting of votes at the relevant election, that is to say not the principal area election, is also allowed to attend proceedings around the separation of ballot papers.

The returning officer may also permit any other person to attend proceedings around the separation of ballot papers, opening of containers and the count only if the returning officer is satisfied that the person's attendance will not impede on the efficient discharge of the returning officer's functions and has either consulted the election agents about whether or not to give permission or has decided it is not practicable to consult the election agents.

The returning officer is required to give counting agents reasonable facilities for overseeing any of the proceedings they are entitled to attend. The returning officer, in so far as is possible, must also give the counting agents all the information about proceedings. This must be done consistently and with the orderly conduct of proceedings and must allow the returning officer to discharge their duties fully and properly. This particularly relates to the sorting of votes where a candidate is elected by the use of the simple majority. A principal area counting agent is entitled to satisfy themselves that in this case the ballot papers have been sorted correctly before the counting begins.

The co-ordinating returning officer must make arrangements for the votes to be counted in the presence of the principal area counting agents and any other counting agents as soon as practicable. The returning officer is required to give the counting agents a notice stating the time and place at which the votes will be counted. While the counting and recording of votes is taking place, the returning officer must take all proper precautions to prevent any person from identifying the voter who has cast the vote.

If the returning officer is the co-ordinating returning officer, they must, in the presence of the principal counting agents and other counting agents, open each ballot box, take out the ballot papers and record separately the number of ballot

papers used in each election. The returning officer must not count any tendered ballot papers. If separate ballot boxes were used at the poll, no vote for a candidate at the principal area election is to be treated as invalid because it was put in the ballot box for the other relevant election taking place.

After verifying the ballot paper accounts, the returning officer must count the postal ballot papers that have been properly returned. This means the ballot paper and the properly completed accompanying postal voting statement have been handed in at a polling station in the electoral ward before the close of poll (a person standing inside the polling station or in the queue for the polling station is entitled to hand in their postal vote and it will be counted), given by hand to the returning officer before the close of the poll, or received by the returning officer by post before the close of poll. In this instance a properly completed postal voting statement will be signed by the elector or by the proxy and will state the date of birth of the elector or the proxy. Once this has been done the returning officer must separately record the number of valid postal ballots counted at the poll at the principal area election and at each relevant election.

Following this, the returning officer must separate the ballot papers relating to the principal area election from the ballot papers relating to each relevant election. They must then make up packets of ballot papers for each relevant election and seal these packets in separate containers making clear on each one which ballot papers are contained therein. The returning officer must then deliver, or arrange for delivery, of the containers of ballot papers for each election together with a list of the containers and their content, the ballot paper accounts relating to the election together with a copy of the statements as to the result of the verification and the packets of unused or spoiled ballot papers, tendered ballot papers and certificates surrendered during polling to each of the relevant returning officers for each election.

The returning officer must then mix together all the ballot papers used at the principal area election.

If the returning officer is not the co-ordinating returning officer they must take specific action in advance of the count as set out in Rule 57. They must make arrangements for the votes to be counted in the presence of the principal area counting agents as soon as is practicable following the delivery of the ballot papers by the co-ordinating returning officer.

The returning officer is required to give the counting agents a notice stating the time and place at which the votes will be counted. While the counting and recording of votes is taking place, the returning officer must take all proper precautions to prevent any person from identifying the voter who has cast the vote.

Upon receipt of the containers of ballot papers from the co-ordinating returning officer, the returning officer must open each container in the presence of the principal area counting agent. If postal ballots for the relevant election have not been dealt with by the co-ordinating returning officer, the returning officer must

count the postal ballot papers that have been properly returned and record the number counted. The returning officer must mix together all the postal ballot papers and the ballot papers from the containers.

#### Part 5: Disposal of documents

When the process of counting of votes has been completed, the returning officer must seal in separate packets the counted ballot papers, and the rejected ballot papers. The returning officer must not open any packets that were previously sealed containing the tendered ballot papers, completed corresponding number lists, certificates surrendered by constables or staff of returning officers, or marked copies of the registration records and lists of proxies.

Where a returning officer has sealed up the counted and rejected ballot papers they must forward the following documents to the registration officer of the local authority in whose area the election was held:

- The packets of ballot papers in the returning officer's possession;
- The ballot paper accounts;
- The statements of rejected ballot papers;
- The statement as to the result of the verification of the ballot paper accounts;
- and
- The packets containing the postal voters list and the proxy postal voters list.

Where the returning officer is also the co-ordinating returning officer, they must also forward the following documents to the registration officer of the local authority in whose area the election was held:

- The lists of votes marked by the presiding officer, together with the statement of the number of voters whose votes are marked under the headings "disability" and "unable to read";
- The declaration made by the companions of votes with disabilities;
- The lists of voters with disabilities assisted by companions;
- The tendered votes lists;
- The lists of correction of errors on the electoral register on the day of the poll;
- The packets containing completed corresponding number lists;
- The packets containing certificates surrendered by the constables or staff of returning officers; and
- The packets containing copies of registration records and lists of proxies.

The final provision in Schedule 2 relates to the countermand or abandonment of a poll as a result of the death of a candidate. If, in a contested election, the returning officer is satisfied (before the result of the election is declared) that one of the candidates named on the ballot paper has died the returning officer

must countermand the notice of the poll, or if polling has begun, the returning officer must direct that the poll is abandoned and no further ballot papers may be issued. This countermanding or abandoning of the poll does not affect the poll at any relevant election.

At the close of poll at each relevant election, the presiding officer at any polling station in use at the election must take the steps set out in these Rules to close the poll in the same way had the principal area poll not been abandoned. However, it is not necessary for the presiding officer to prepare a ballot paper account.

When the returning officer is the co-ordinating returning officer they are required to take the steps necessary under Part 4 of these Rules. However, specific exceptions apply in these circumstances, which are that the returning officer must not proceed with counting any ballot papers or votes relating to the abandoned poll, and it is not necessary to verify any ballot paper accounts relating to the poll.

When the returning officer is not the co-ordinating returning officer they must receive any ballot papers or other documents relating to the abandoned poll that may be delivered by, or on behalf of, the returning officer but they must not proceed with any step set out in Part 4 of these Rules in so far as they relate to the abandoned poll.

### **Schedule 3**

Schedule 3 of these Rules sets out the consequential amendments that will be made to legislation as a result of making these Rules.

## **Explanatory Memorandum to the draft Local Elections (Communities) (Wales) Rules 2021**

This Explanatory Memorandum has been prepared by the Department for Local Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the draft Local Elections (Communities) (Wales) Rules 2021. I am satisfied the benefits justify the likely costs.

## **PART 1**

### **1. Description**

The draft Local Elections (Communities) (Wales) Rules 2021 (“these Rules”) set out the rules of conduct by which the election of councillors to community and/or town councils in Wales are to take place.

Throughout this Explanatory Memorandum certain generic terms are used for succinctness:

- Principal area – referring to a county and / or a county borough
- Principal council – referring to a county council and / or a county borough council
- Community council – referring to a community council and / or a town council

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

These Rules make certain new provision and update, consolidate and re-state the law concerning community council elections and the rules by which they are conducted. They are largely derived from The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (“the 2006 Rules”) which applied across parish, community and town council elections in England and Wales. This means, that while the 2006 Rules make provision for Wales, large parts of the 2006 Rules do not apply to the form of local government in Wales. These Rules make new provision about certain election procedures and, in keeping with the principles set out in the Legislation (Wales) Act 2019, they will consolidate and re-state existing law; update the law where appropriate to make it more accessible particularly using clearer language and will be Wales specific. These Rules will make clear that the 2006 Rules will no longer apply for the purposes of community and town council elections in Wales, (although they will of course continue to apply for parish and community council elections in England).

In addition, these Rules will be made bi-lingually for the first time.

### **3. Legislative background**

The Welsh Ministers are empowered to make these Rules under section 36A(1), (3)-(6) and (9) of the Representation of the People Act 1983.

Section 36A(1) sets out that elections for councillors for local government areas in Wales must be conducted in accordance with rules made by the Welsh Ministers. Section 36A(3) sets out what these rules must do including requiring polls to be conducted where the election is contested and establishing the requirements for becoming a candidate for election etc.

Sections 36A(4) – (6) set out further provisions around what the rules may do and how these rules interact existing legislation. This includes giving Welsh Ministers to power to make supplementary, incidental, consequential, transitional, transitory or saving provisions to any enactment when giving full effect to these rules.

Section 36A(9) sets out the procedure by which these rules should be made. That is these rules will be made by statutory instrument and will include power to make different provisions for different purposes.

These Rules are presented to be laid before the Senedd under section 36A(10) of the Representation of the People Act 1983 and are subject to approval by resolution of Senedd Cymru.

#### **4. Purpose and intended effect of the legislation**

The intended effect of these Rules is to set out the rules of conduct by which the election of councillors to community or town councils (“community councils”) in Wales is to take place. These Rules are Wales specific and aim to provide an updated and modernised set of conduct rules. They also provide for policies made as part of the development and delivery of the *Local Government and Elections (Wales) Act 2021* to be implemented. These policy changes were consulted on as part of the *Electoral Reform in Local Government in Wales* consultation conducted in 2017. The policies being taken forward in these Rules relate to the optional publication of the candidate’s home address, the statement of party affiliation and the necessary changes to secondary legislation following the extension of the franchise to those aged 16 and 17 and qualifying foreign citizens.

A link to the consultation can be found here: [Electoral reform in local government in Wales | GOV.WALES](#)

Rules 1 to 8 of these Rules set out the legislative basis upon which they are made and the purpose of the Rules i.e. to provide for the conduct of an election of councillors for a community council. These rules also set out that there are two Schedules providing details of the rules of conduct. Schedule 1 sets out the rules that apply to the conduct of a community council election where the poll is not taken together with the poll at another election. Schedule 2 sets out the rules that apply to the conduct of a community council election where the poll for that election is taken together or combined with the poll at another election.

Rule 5 of these Rules sets out the procedure to be followed when filling a casual vacancy. The Rule applies where a public notice of a casual vacancy has been given as soon as is practicable after it has occurred. Before the end of 14 days (beginning the day after the public notice is issued) a request can be made for an election to fill the vacancy. This request must be made by ten electors (on the day of the request someone who is on the register of local government electors for the electoral area in question, as long as they are of voting age on that day and do not have an anonymous entry) to the proper

office of the principal council, where the community is situated. In the case of such a request an election must be held unless the vacancy occurs during the final six months of the council's term i.e. six months before the ordinary elections. In these circumstances, a community council may co-opt a person to fill the vacancy. Similarly, if there is no request for an election the community council may co-opt a person to fill the vacancy.

## **Schedule 1 - Rules for the conduct of a community council election where the poll is not taken together with the poll at another election**

### Part 1: Provision as to time

This Part of these Rules sets out the required timetable for certain specified activities that take place prior to and including polling day. This includes setting deadlines for the publication of the notice of election, delivery of nomination papers, delivery of notice of withdrawal of candidature, publication of statement as to person nominated, notice of uncontested election, notice of poll in contested election and polling day.

### Part 2: Notice of election, nomination and method of election

#### *Notice of election*

Part 2 sets out the rules around the notice of election and what that notice should include. It requires returning officers to include specific details as part of the notice around the date and time of the poll and where and how to obtain the appropriate forms of nomination papers and where to submit these papers.

It also allows returning officers to make it clear in the notice that nomination papers may be obtained and submitted online. The ability to access and submit nomination papers online is a new provision, this is to reflect modern practices and to support candidates in having as accessible a process as possible in standing for election. There will no longer be a requirement for papers to be collected or submitted in person which can be a barrier to candidates for a number of reasons. Support will still be provided to candidates around the appropriate completion and checking of forms if they choose to use the online option.

#### *Nomination of candidates*

This Part also sets out the rules in relation to the nomination of candidates. Returning officers must supply candidates with nomination papers and must, on request, prepare a nomination paper for signature. Returning officers may also make provision that nomination papers can be obtained, completed and submitted online. A candidate will be officially nominated when they have formally submitted the completed candidate nomination paper that is set out in the form at Annex 1 to the Rules set out in this document, or complete a form that is like the form set out in these Rules. The candidate must have signed the nomination form in the presence of a witness who is a registered local

government elector in the electoral ward in question and must attest the signature.

Nomination papers must be returned to the returning officer in line with the notice of election which can include the return of forms online, if the option has been made available if the provision is in place. This Part also sets out the required information on a nomination paper and specific rules around that information. It also sets out the rules around the descriptions a candidate may use on nomination papers and thence on the ballot paper. This relates to political descriptions and allows descriptions to be used that are likely to lead electors to associate the candidate with a registered political party, or with two registered political parties. Alternatively, it allows candidates to indicate they are an “independent” candidate. A candidate may use both English and Welsh language descriptions on their nomination forms.

This Part also allows for the words “Wales”, “Welsh”, “Cymru” or “Cymreig” to be prefixed or suffixed to a political party name or descriptor. That is to say, a person may use the term “Wales” or “Welsh” before the description of their party or parties, or may use the term “Cymru” or “Cymreig” after the description of their party or parties if using a Welsh language description.

There is a requirement that candidates will have to declare on their nomination papers if they are, or have been, members of a registered political party in the last 12 months, but that is not a party for which they are seeking to stand in the election in question. The “relevant” period is the period of 12 months ending with the day on which the candidate delivers their nomination papers. This is a new provision designed to support better voter information and will require such candidates to declare any such membership at any time in the previous 12 months, and the details of that party or parties. If a candidate knowingly fails to provide this information they will have committed an electoral offence and will be guilty of a corrupt practice.

As part of the nomination process, candidates will be required to complete a home address form. These Rules provide for the details that should be included on that form. The address the candidate provides will be based on their qualification to stand for election in the community. There are a number of ways a person may qualify to stand for the community council in question including:

- that the person is a registered local government elector at an address in that area of the community;
- if a person is an owner or tenant of land, during the whole of the relevant period, or other premises in the community;
- if a person’s principal or only place of work, during the relevant period is within the community; or
- the person has been resident, during the relevant period, in the community or within 3 miles of it.

The “home address” provided on this form (which may be one or more of the above options) will reflect the qualification of the candidate to stand for election to the community.

While completion of a home address form is a mandatory part of the nomination process, candidates will be able to indicate that they do not want their home address to be made public or published on the ballot papers. If candidates so indicate, they must identify a relevant home area instead. The relevant home area will be the candidate's home local government area, or country as the case may be (see Rule 9). This is a new policy that brings local government elections in Wales in line with Senedd elections and other elections across the United Kingdom. The returning officer is responsible for ensuring, where a candidate has indicated the home address is not to be published, that the wishes of the candidate are actioned.

Rules 10, 11 and 12 set out the circumstances where a returning officer makes a decision on the validity of the nomination paper, setting out the circumstances in which a candidate does not stand as nominated, and also makes clear that if a candidate is nominated in more than one electoral area they must withdraw their candidature from all but one of those areas by the deadline for the withdrawal of candidature. The Rules make clear that a candidate may only stand for election in one electoral area. Rule 12 sets out how a candidate may withdraw their candidature by giving notice to the returning officer.

Once the deadline for nominations is reached, the returning officer must publish a statement of persons nominated. This statement of persons nominated must include the appropriate information on all those who stand nominated as candidates along with information on those that were nominated but no longer stand nominated together with the reason why they no longer stand nominated.

If a person has been nominated and remains a candidate, the returning officer must publish the names and description (if any) of that person as given in their nomination paper, their home address information and the information contained in their statement around political party membership. If the candidate has chosen not to publish their home address (by indicating this on their home address form) the returning officer must not publish the home address as part of the statement of persons nominated, but will include the relevant home area as indicated by the candidate. The statement of persons nominated should be in alphabetical order by surname and must show the commonly used forenames and surnames of the candidate unless those names are considered by the returning officer as likely to mislead or confuse the elector or are considered obscene or offensive.

Where two or more candidates have a name that is very similar or the same, they have stated their home addresses should not be published and the relevant home area is the same, the returning officer can make amendments or additions that will help the voter distinguish between the two candidates. The returning officer must have regard to any guidance given by the Electoral Commission when making these amendments or additions. Where it is practical to do so, the returning officer must also consult the people whose information is being amended or added to.

The returning officer is allowed to correct any minor errors found in the nomination paper, home address form or personal statement as long as this is done before the statement of persons nominated is published. Rule 16 sets out the type of errors that may be corrected.

Rules 17 and 18 set out the process by which nomination papers and home address forms may be inspected. Nomination papers may be inspected by anyone during the “time for inspection”, this means ordinary office hours on any day after the last day for the delivery of the nomination papers and before the day of the poll. A person inspecting nomination papers may take a copy, or make extracts, from the papers. The inspection of home address forms may only be undertaken by persons listed in Rule 18 of these Rules. They are:

- another candidate standing in the same electoral ward,
- the election agent of another candidate standing in the same electoral ward,
- a person nominated by a candidate within the electoral ward if they are acting as their own election agent.

The time for inspection of the home address form is the same as for the nomination papers, however someone inspecting the home address form is not allowed to take a copy or make extracts of that form.

Finally, Rule 19 allows the proceedings relating to the nomination process to be abandoned by the returning officer if the proceedings are interrupted on any day by riot or open violence. If the day on which the proceedings are abandoned is the last day for the delivery of nomination papers, the proceedings must continue the following day.

#### *Method of election*

Following the nomination procedure and the publication of the statement of persons nominated, the returning officer must decide whether the number of persons remaining validly nominated for the electoral ward exceeds the number of councillors to be elected.

If the number of persons remaining validly nominated *does not* exceed the number of councillors to be elected, the returning officer must declare the person or persons standing to be elected, in which case no poll takes place.

If the number of persons remaining validly nominated *does* exceed the number of councillors to be elected, a poll must take place.

#### *General provisions*

The general provisions set out in Part 3 of these Rules concern the preparations the returning officer must make for the holding of a poll to elect the councillors.

Rule 21 provides that the votes at a poll must be given by ballot. The ballot of every voter must consist of a ballot paper. The only persons entitled to have their

names inserted on the ballot paper are those that remain validly nominated for the electoral area in question. The ballot paper must follow the form set out in Appendix 2 to these Rules, it must be printed in accordance with the directions provided in Appendix 2 to these Rules, it must contain the names and descriptions of the candidates and their home address information in line with the information that was published as part of the statement of persons nominated (please note that if a person has chosen to not publish their home address, in line with the statement of persons nominated, it will not appear on the ballot paper; the relevant home area, as indicated by the candidate, will be published instead). The ballot paper must be capable of being folded and have a number and other unique identifying mark printed on the back. The order of the names of the candidates on the ballot papers must be the same as in the statement of persons nominated.

If a candidate has used a description that electors are likely to associate with a registered political party, the ballot paper may contain, against that candidate's name, one registered emblem of the party. If a candidate has used a description that electors are likely to associate with *two or more* registered political parties, the ballot paper may contain, against the candidate's name, one registered emblem of *one* of the political parties. The candidate must make the request for this to happen in writing to the returning officer, who must comply with the request.

The returning officer must prepare a corresponding number list and this must be in the form set out in Appendix 3 to these Rules. The corresponding number list must be in two parts. Part 1 of the list must contain the number and unique identifying marks of all ballot papers to be issued to voters who are entitled to vote by post. Part 2 of the list must contain the numbers, but not the unique identifying mark, of all the ballot papers to be provided to polling stations for issue to voters who are entitled to vote at polling stations.

Each ballot paper to be used at the election must contain appropriate security marking, to be known as "the official mark", the official mark must be kept secret. A returning officer may use a different official mark for different purposes at the same election, but they must have an interval of at least five years between using the same official mark.

At no point in any legal proceedings challenging the election, will a person that has voted in that election be required to say who they voted for.

For the purposes of taking a poll or counting the votes, the returning officer may use any of the following rooms free of charge:

- a room in a school maintained or assisted by a county or county borough council;
- a room in a school which receives grant from Senedd Cymru or the UK Parliament;
- any other room where the expenses for maintaining the room are met in part or wholly by public funds.

If a returning officer uses such a room, they must make good any damage to the room resulting from its use for polling or counting, and defray any expense incurred in using the room for a poll or counting by the person or body who has control of the room.

#### *Action to be taken before a poll*

Before a poll takes place the returning officer must publish a notice of poll that sets out the day of the poll, and the times when polling can take place. It must also state the number of councillors being elected for the electoral area, and the names and descriptions of each candidate along with their home address information (as appropriate). At the same time, or as soon as practicable after, the notice of poll is issued the returning officer must give a copy of the notice to each of the candidates or their election agents.

If a voter is entitled to vote by post, the returning officer must issue them with a ballot paper, a postal voting statement (in the form set out in Appendix 4 to these Rules, or similar form) and the envelopes in which all of the ballot papers and postal voting statement can be returned. The postal voting statement must allow the elector to sign the form, or where a proxy is being used they must be able to sign the form (unless, in either case, the registration officer has dispensed with the need for a signature). The elector must also be able to provide their date of birth on the form, or where a proxy is being used the proxy must be able to provide their date of birth.

The returning officer must also provide the postal voter with information on how they can access support or further information in relation to their ballot. This is to include how to obtain translations into languages other than English and Welsh of any directions or guidance issued with the ballot paper, a translation into Braille of any directions or guidance, graphical representation of any directions or guidance, or any other form that directions or guidance may be available in.

If the postal vote is being issued to a person at an address in the UK, the returning officer must ensure that returning the ballot and postal voting statement is free of charge the voter.

The returning officer must ensure that there are a sufficient number of polling stations and allot electors to the polling station. One or more polling station can be provided for in the same room, and the returning officer must provide each polling station with a sufficient number of compartments to ensure voters can mark their votes without being observed.

The returning officer is required to appoint and pay a presiding officer at each polling station and a sufficient number of clerks that are necessary to conduct the poll, or the count, or other purposes of the election. The returning officer must not knowingly appoint a presiding officer or clerk that has been employed by, or on behalf of, a candidate in connection with the election. If the returning officer so wishes they may preside at a polling station with appropriate modifications as to the actions taken by a returning officer to presiding officer or

vice versa. A presiding officer at a polling station may authorise the clerks to do anything (including asking questions) that the presiding officer is required or authorised to do at the polling station, except for ordering the exclusion or removal of any persons from the polling station.

These Rules also allow for the community council to request the returning officer to issue poll cards for the election, this must be done no later than 4pm on the nineteenth day before the election. Once the request has been made the returning officer must, as soon as practicable, send or deliver an official poll card to electors not voting by post; an official postal poll card to electors voting by post and not by proxy; an official proxy voting poll card to a person voting as a proxy for an elector and not by post; and an official proxy postal poll card to a person voting as proxy for an elector by post. An official poll, or postal poll, card must be sent or delivered to the elector's qualifying address. Similarly, the official proxy poll, or proxy postal poll, card must be sent or delivered to the proxy's address as set out on the list of proxies.

Each poll card must be in the form as that set out in Appendix 5 to these Rules, or a form to the same effect. The poll card must include:

- the name of the council to which the councillor is being elected;
- the electoral area for which councillors are to be elected;
- the number of councillors to be elected for that electoral ward;
- the elector's name, qualifying address and number on the register;
- the date and hours of the poll and the location of the elector's polling station; and
- any other information the returning officer believes is appropriate.

When someone is entered onto the local government register as an anonymous elector, the poll card must contain the information as set out above save for the elector's name and the poll card must be sent or delivered in an envelope or other covering so as not to disclose that the elector has an anonymous entry.

The returning officer is also required to provide each presiding officer with a sufficient number of ballot boxes and ballot papers, as they deem necessary. Every ballot box must be constructed so that ballot papers can be put in but cannot be taken out of it without the box being unlocked or unsealed (depending on the design of the box). The returning officer must provide each polling station with materials that allow the voter to mark the ballot paper, copies of the relevant register of electors, that is those electors allotted to that polling station, copies of notices issued under these Rules so far as they relate to the relevant register of electors, copies of the parts of any lists of persons entitled to vote by post or by proxy that correspond to the relevant register of electors, and the polling station's corresponding number list, consisting of Part 2 of the corresponding number list as set out in these Rules.

The returning officer must make sure that an enlarged, sample copy, of the ballot paper is displayed at each polling station; this must be clearly marked as a "specimen". This sample ballot paper may include a translation of the words on the ballot paper into languages other than English or Welsh as the returning

officer considers appropriate. In addition to this the returning officer must provide each polling station with an enlarged hand-held sample copy of the ballot paper in order to assist voters who are partially-sighted. They must also provide a device that enables voters who are blind or partially-sighted to vote independently, without the assistance of the presiding officer or a companion. This device must allow a ballot paper to be inserted into, or removed from, or attached to, or detached from, the ballot paper without causing damage to the paper. It must also hold the ballot paper firmly in place during use and provide a suitable means by which the voter can identify the spaces on the ballot paper on which votes may be marked, identify the candidate to which each space refers and allow the voter to mark their vote in the space chosen.

The returning officer must also provide a notice as set out in Appendix 6 to these Rules which gives directions for the guidance of voters in voting which will be displayed inside each voting compartment in the polling station, inside the polling station but outside the voting compartments and outside the polling station. The returning officer may also provide copies of the notice in Braille or languages other than Welsh or English, if they believe this is appropriate.

These Rules also set out that candidates can appoint polling agents and counting agents. These appointments must be made before the poll and the returning officer must be notified of the appointments, no later than the fifth day before the poll, including their personal details. The polling agent is able to attend the polling station with the purpose of detecting *personation*, that is to say somebody who is casting a vote at the poll while pretending to be someone else. The counting agent is able to attend the counting of votes. The same person can be appointed as a polling or counting agent by more than one candidate. The returning officer is able to limit the number of counting agents, but that number must be the same for each candidate. If the polling or counting agent were to die, or becomes incapable of acting, the candidate is allowed to appoint another agent and must immediately give the returning officer notice of this along with the personal details of the new agent. If these Rules require that something is done in the presence of the polling or counting agents, and an agent is not in attendance at the time and place appointed, this does not invalidate the action taken. Similarly, where a candidate does not have a counting agent the returning officer may give the candidate any notice that is required to be given to the counting agent.

The returning officer must ensure that every person attending a polling station, save for those voting, assisting a voter with disabilities or a constable on duty, has been given a notice setting out that they must maintain, and aid in maintaining the secrecy of the ballot. They must not communicate to anyone, before the close of poll, for whom an individual has voted, the number of any elector as set out on the electoral register or the nature of the official mark. If a person does not follow the law as set out in section 66(1), (3) and (6) of the *Representation of the People Act 1983* they will be liable, upon summary conviction to a fine or a period of imprisonment not exceeding 6 months.

If a postal ballot, or a proxy postal ballot is returned to the returning officer, the returning officer must mark the postal voters list or the proxy postal voters list

respectively in the manner dictated by the Representation of the People (England and Wales) Regulations 2001.

### *The Poll*

These Rules set out who the presiding officer at a polling station may and may not admit to the polling station. The presiding officer must exclude from the polling station anyone that is not:

- A voter that has been allotted to that polling station;
- Anyone under the age of 16 who is accompanying a voter;
- The candidate and their election agents;
- The polling agents appointed to attend the polling station;
- The clerks appointed to attend the polling station;
- The returning officer or members of the returning officer's staff;
- And anyone would be entitled to be at the polling station under any of the Section 6A to 6D of the Political Parties, Elections and Referendums Act 2000, that is to say representatives of the Electoral Commission and accredited observers;
- The constables on duty; and
- The companions of voters with disabilities.

The presiding officer of the polling station is required to regulate the total number of voters, and persons under the age of 16 who are accompanying a voter that are admitted to the polling station at any one time. No more than one polling agent per candidate will be allowed inside the polling station.

If a constable stationed at the polling station, or a person employed by the returning officer to work at the polling station, wishes to cast their vote at that polling station, rather than at the polling station to which they have been allotted, they may do so as long as they present a certificate in the form set out in Appendix 7 of these Rules. In the case of a constable, this certificate must be signed by a police officer of, or above, the rank of inspector. In the case of a person employed by the returning officer to work at the polling station, this certificate must be signed by the returning officer.

The presiding officer of the polling station must keep order in the polling station. If a person engages in misconduct within the polling station, or fails to obey orders lawfully given by the presiding officer, the presiding officer may order that the person is removed from the polling station. In these circumstances, the person may be removed by a constable in or near the polling station or by any other person that has been authorised in writing by the returning officer to remove people from the polling station. If a person is removed from the polling station, they must not return without the express permission of the presiding officer. If a person is removed and charged with the commission of an offence in the polling station, the person may be dealt with as a person taken into custody by a constable for an offence without a warrant. The powers set on in this rule, Rule 38, must not be exercised to prevent a voter who is otherwise entitled to vote at a polling station from having the opportunity to vote at that polling station.

Immediately before the poll begins the presiding officer must show the empty ballot box to those people (if any) who are present in the polling station. They must see that the ballot box is empty. The presiding officer must then lock up the box (if it has a lock) and place the returning officer's seal on it, in such a way as to prevent it being opened without breaking the seal. The presiding officer must then place the box, within their own view, so that ballot papers can be returned to it. The presiding officer must keep the box locked and sealed, if it has a lock; if it does not have a lock it must be kept sealed.

Rule 40 sets out questions that a presiding officer may ask a person before they are provided with a ballot paper, they may not ask any of these questions once the ballot paper has been given to the person. The Rule also sets out the questions a presiding officer must ask a person upon the request of the candidate or agent. Table 1 and table 2 provided in Rule 40 set out the exact circumstances of the voter and the exact question a presiding officer may ask that voter. The main purpose of these questions is to ascertain the identity of the voter and their eligibility to take part in the way they are seeking to, for example, if they are applying as proxy for an elector who is named on the local government register.

A person may be prevented from voting only if a candidate, or candidate's election or polling agent has made a written declaration that they have reasonable cause to believe that the person has committed an offence of *personation*, that is to say somebody who is casting a vote at the poll while pretending to be someone else; and/or if the person is arrested on the grounds they are suspected of committing or being about to commit an offence of *personation*.

These Rules set out the voting procedure to be followed in the polling station by both the voter and polling station staff. When a voter requests a ballot paper, they must be given one. Immediately before the ballot paper is given the number of the elector, as set out on the electoral register, must be called out. Unless the elector has an anonymous entry, the name of the elector, as set out on the electoral register, must be called out. The number of the elector must be marked on the polling station corresponding number list beside the number of the ballot paper that will be issued. A mark must be placed on the electoral register at the polling station against the elector's number to show that a ballot paper has been received, this mark must not indicate which particular ballot paper has been received. Where the person is acting as proxy, a mark must be placed against that person's name on the list of proxies. Where an elector has an anonymous entry on the electoral register, the elector's official poll card must be shown to the presiding officer before the ballot paper is given (and a ballot paper must not be given if the elector does not have their official poll card) and only the number may be called out.

Once the voter has received the ballot paper, they must immediately go into one of the compartments of the polling station. The voter must then secretly mark the ballot paper, fold the ballot paper up so that the vote is concealed, show the presiding officer the back of the ballot paper so that the number and other unique identifying mark can be seen and then put the ballot paper into the ballot box in the presence of the presiding officer. As soon as the voter has put the ballot

paper in the ballot box, they must leave the polling station. If the voter is in the polling station, or in a queue outside the polling station, at the close of poll and has not yet had the opportunity to cast their vote, the presiding officer must permit them to cast their vote as soon as practicable.

When marking the ballot paper, a voter may ask the presiding officer to place the mark on their behalf if they are blind, have an impairment or are unable to read. The presiding officer must place the mark on the ballot paper as directed by the voter and must do so in the presence of any polling agents that are in the polling station at the time of the request. Once they have placed the mark on the ballot paper as directed by the voter the presiding officer must place the ballot paper in the ballot box. If the presiding officer takes this course of action, they must maintain a list of voters known as the “the list of votes marked by the presiding officer” which includes the name and number of the voter and the reason why the vote was marked on their behalf.

Voters who are blind, have an impairment or who are unable to read may also apply to the presiding officer to be allowed to vote with the assistance of a companion. The voter must tell the presiding officer either orally, or in writing, the reason they are asking for assistance from a companion. The companion of the voter is then required to make a written declaration to the presiding officer stating that they are eligible to assist the voter, that is to say they are an existing voter who is eligible to vote in that election or are a relative of the voter aged 16 years or over. The companion is also required to declare in writing that they have not previously assisted more than one voter with disabilities at the election. This declaration must be in the form set out in Appendix 8 to these Rules and it must be given to the presiding officer who will attest it. The presiding officer at the polling station is required to keep a list of voters known as “the list of voters with disabilities assisted by companions” which includes the name and number of the voter and the name and address of the companion. Where the voter has an anonymous entry on the electoral register, only the electoral number is to be entered onto this list.

These Rules also provide six sets of circumstances where a voter has applied for a ballot paper and is entitled to vote once they have answered satisfactorily questions set out in Rule 40, but their ballots will be treated differently by being given a ballot paper of a different colour to the other ballot papers used in the election and having to return their ballot to the presiding officer instead of putting it into the ballot box:

- The first set of circumstances where this may happen is if the applicant represents themselves to be a particular elector that has been named in the copies of the electoral register but has not been named as a postal voter or on the list of proxies, and if another person has already voted in person either as that elector or that elector’s proxy;
- The second set of circumstances where this may happen is if the applicant represents themselves to be a particular person named in the list of proxies as a proxy for an elector and is not entitled to vote by post as proxy, and that another person has already voted in person either as that elector or as that elector’s proxy.

- The third set of circumstances where this may happen is if the applicant represents themselves to be a particular elector named on the electoral register and that applicant is also named in the postal voter list, and the applicant claims not to have made an application to vote by post at the election.
- The fourth set of circumstances where this may happen is when the applicant represents themselves to be a particular person named as a proxy on the list of proxies and that person is also named in the proxy postal voter list, and the applicant claims not to have made an application to vote by post as proxy at the election.
- The fifth set of circumstances where this may happen is where after the last time a person may apply for a replacement postal ballot but before the close of poll, the applicant represents themselves to be a particular elector named in the copies of the electoral register who is also named in the postal voter list and the applicant claims to have lost or not received the person's postal ballot paper.
- The sixth set of circumstances where this may happen is where after the last time a person may apply for a replacement postal ballot paper but before the close of poll, the applicant represents themselves to be a particular person named as a proxy in the list of proxies who is also named in the proxy postal voter list, and the applicant claims to have lost or not to have received that person's postal ballot paper.

In all of these circumstances the ballot paper that is given to the presiding officer is considered to be a "tendered ballot paper" and will be referred to as such in these Rules.

Rule 47 sets out the duties of the presiding officer in relation to tendered ballot papers. When a presiding officer is given a tendered ballot paper they must endorse the ballot paper with the name of the voter and the voter's number as set out in the polling station register, or if the voter is voting as a proxy for an elector, the number of that voter. The presiding officer must put the ballot paper in a separate packet and they must keep a list known as "the tendered vote list" which includes the name of the voter and the voter's number as set out in the polling station register, or if the voter is voting as a proxy for an elector, the number of that voter. Where the elector has an anonymous entry on the electoral register, only the voter number is required to be kept on this list.

If, during the process of voting, a voter has inadvertently dealt with their ballot paper in a way that it cannot be conveniently used a ballot paper they may obtain another ballot paper. To do this, the voter must give the ballot paper that has been spoiled back to the presiding officer and prove to the presiding officer's satisfaction that the action leading to the spoiling of the ballot paper was undertaken inadvertently. When the voter is issued with a new ballot paper, the spoiled ballot paper must be cancelled immediately.

If a correction is made to the electoral register on the day of the poll, the presiding officer is required to keep a list of persons to whom ballots are provided as a result of these corrections. Corrections to the electoral register

can only be made in accordance with sections 13(3B) or (3D) of the Representation of the People Act 1983.

If, during polling day, proceedings are interrupted or obstructed by riot or open violence the presiding officer must adjourn proceedings until the following day and immediately inform the returning officer. Where a poll has been adjourned at a polling station in these circumstances, the hours of polling on the new polling day must be the same as for the original day and will be subject to the rules set out in this legislation with regards to the close of poll.

Once every voter has cast their vote, these Rules set out the processes and procedures that must be followed by the presiding officer at the close of poll. Once every voter has cast their vote the presiding officer must seal the ballot boxes in the presence of the polling agents. This is to stop additional ballot papers being introduced. The presiding officer (and any polling agents that wish to) must then affix their seal to each sealed ballot box. Still in the presence of any polling agents, the presiding officer must prepare and place the following into separate packets each being sealed with the presiding officer's seal (and any polling agent's seal that wishes to affix it):

- The unused and spoilt ballot papers;
- The tendered ballot papers;
- The marked copies of the registration records together with the list of proxies;
- The polling station's corresponding number list;
- Any certificates that have been surrendered to the presiding officer;
- The list of voters marked by the presiding officer, along with a statement of the number of voters, whose votes are marked under the headings of "disability" and "unable to read";
- The declarations made by the companions of voters with disabilities;
- The list of voters with disabilities assisted by companions;
- The tendered votes list;
- The list of correction of errors on polling day.

The sealed boxes and packets must be delivered to the returning officer either by the presiding officer or using an arrangement that has been approved in advance by the returning officer. The packets must be accompanied by a statement called a "ballot paper account" that has been prepared by the presiding officer showing:

- The number of ballot papers given to the presiding officer;
- How the ballot papers are accounted for under the following headings:
  - The number of ballot papers issued and not accounted for,
  - The number of ballot papers unused,
  - The number of spoilt ballot papers,
  - The number of tendered ballot papers.

#### Part 4: Counting of votes and declaration of result at contested election

After the close of poll, the returning officer must make arrangements for the votes to be counted in the presence of counting agents as soon as practicable. The returning officer is required to give the counting agents a notice stating the time and place at which the votes will be counted.

These Rules entitle the following people to be present at the counting of votes:

- The returning officer and members of the returning officer's staff;
- Each candidate and a guest of each candidate;
- The election agents;
- The counting agents;
- Representatives of the Electoral Commission and accredited observers as provided for under sections 6A to 6D of the Political Parties and Referendums Act 2000; and
- The constables on duty.

The returning officer is allowed to permit any other person to attend the count but only if the returning officer is satisfied that the person's attendance will not impede the efficient counting of votes and has either consulted the election agents about whether or not to give permission or has decided it is not practicable to consult the election agents. The returning officer must make arrangements to ensure that every person attending the count has been issued with a notice setting out of the requirement around secrecy, in line with section 66(2) and (6) of the Representation of the People Act 1983.

The returning officer is required to give counting agents all reasonable facilities, and all necessary information, for overseeing the proceedings. This is to be done in a way that the returning officer can provide consistently ensuring the orderly conduct of the count and the discharging of returning officer's duties. This particularly relates to the sorting of votes where a candidate is elected by the use of the simple majority. A counting agent is entitled to satisfy themselves that in this case the ballot papers have been sorted correctly before the counting begins.

Before counting begins the returning officer must, in the presence of the counting agents, open each ballot box, take out the ballot papers, count them and record the number. The returning officer must not count any tendered ballot papers. The returning officer, again in the presence of the counting agents, must verify each ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the returning officer's possession and the tendered votes list. Following this the returning officer must draw up a statement setting out the result of the verification process and they must give a copy of this statement to any election agent that requests it.

After verifying the ballot paper accounts, the returning officer must count the postal ballot papers that have been properly returned. This means the ballot paper and the properly completed accompanying postal voting statement have been handed in at a polling station in the electoral ward before the close of poll (a person standing inside the polling station or in the queue for the polling station is entitled to hand in their postal vote and it will be counted), given by hand to the returning officer before the close of the poll, or received by the returning officer

by post before the close of poll. In this instance a properly completed postal voting statement will be signed by the elector or by the proxy and will state the date of birth of the elector or the proxy. Once this has been done the returning officer must record the number of valid postal ballots counted.

The returning officer must not count the votes given on any ballot paper until, in the case of the postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and, in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

While the process of counting and recording the number of ballot papers and counting the votes is taking place the returning officer must take all proper precautions to prevent any person from identifying the voter who has cast the vote.

The result of the poll must be ascertained by counting the votes given to each candidate. The candidate or candidates to whom more votes have been given than the other candidates (up to the number of councillors to be elected) must be declared to have been elected. The returning officer, so far as is practicable, must proceed continuously with the counting of votes, only allowing time for refreshment. However, if the returning officer wishes, they can exclude any hours between 10pm and 9am the following morning. If the returning officer chooses to exclude any time, they must place the ballot papers and other documents relating to the election under the returning officer's seal and the seal of any counting agents that wish to affix theirs. They must also take proper precautions for the security of the ballot papers and other documents.

These Rules set out the reasons that a ballot paper is to be rejected and considered void. The conditions under which this can happen include the ballot paper does not bear the official mark, a ballot paper on which votes are given for more candidates than the voter is entitled to vote for, a ballot paper on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back, a ballot paper that is unmarked or void for uncertainty.

If the voter is entitled to vote for more than one candidate, a ballot paper is not to be treated as void for uncertainty where any vote has been cast and there is no uncertainty around it; in this instance that vote is to be counted. This means that in some cases ballot papers may contain a valid vote and an invalid vote where it is clear that one (or more) of the votes has been cast properly and without any uncertainty.

A ballot paper is not to be treated as void, only because of how it is marked, if it is clear from the ballot paper that the voter intended to vote for one or other of the candidates, the way the ballot paper is marked does not itself identify the voter and the returning officer is satisfied that the voter cannot be identified from the ballot paper. This Rule should be applied to ballot papers where a vote is marked elsewhere than in the proper place, by other means than a cross or by more than one mark.

Where a ballot paper is rejected under this Rule, the returning officer must ensure it is marked with “rejected” or in the case of a ballot paper that is partially rejected it must be marked with “rejected in part” and there must be a clear indication as to which vote has been counted. If a counting agent objects to the returning officer’s decision then the returning officer must add “rejection objected to” on the ballot paper. The returning officer must then prepare a statement showing the number of ballot papers rejected and the number rejected in part with a breakdown of the reasons for the rejection or partial rejection. The decision of the returning officer in respect of a ballot paper is final, but this can be reviewed on an election petition.

Once the count is completed a candidate or a candidate’s agent may request a re-count if they so wish. The returning officer must comply with this request unless the returning officer believes the request to be unreasonable. No steps should be taken around the completion of the count until the candidates and agents have had the opportunity to request a recount. This Rule also applies to a recount, that is to say a candidate or candidate’s election agent may request a recount of the recount as long as they have been present at the original recount.

If the circumstances arise where, following the counting of votes and any recounts, there is an equality of votes between any candidates and the addition of one vote would entitle any of the candidates to be elected, the returning officer must immediately decide between the candidates by drawing lots. The candidate to which the lot falls should be considered to have received an additional vote and will be declared the elected candidate.

When the count has been completed, the returning officer must declare the candidate, or candidates who have more votes than other candidates to be elected; they must also give notice of the candidates elected to the proper officer of the council for which the election was held. The returning officer must also publish a notice of the names of the candidates elected, the total number of votes given for each candidate (and whether they were elected or not) and the number of rejected ballot papers under each heading in the statement of rejected ballots.

#### Part 5: Disposal of documents

When the process of counting of votes has been completed, the returning officer must seal in separate packets the counted ballot papers, and the rejected ballot papers. The returning officer must not open any packets that were previously sealed containing the tendered ballot papers, completed corresponding number lists, certificates surrendered by constables or staff of returning officers, or marked copies of the registration records and lists of proxies.

Where a returning officer has sealed up the counted and rejected ballot papers they must forward the following documents to the registration officer of the local authority in whose area the election was held:

- The packets of ballot papers in the returning officer’s possession;
- The ballot paper accounts;
- The statements of rejected ballot papers;

- The statement as to the result of the verification of the ballot paper accounts;
- The lists of votes marked by the presiding officer, together with the statement of the number of voters whose votes are marked under the headings “disability” and “unable to read”;
- The declaration made by the companions of voters with disabilities;
- The lists of voters with disabilities assisted by companions;
- The tendered votes lists;
- The lists of correction of errors on the electoral register on the day of the poll;
- The packets containing completed corresponding number lists;
- The packets containing certificates surrendered by the constables or staff of returning officers;
- The packets containing copies of registration records and lists of proxies; and
- The packets containing the postal voters list and the proxy postal voters list.

These documents must be retained for a period of one year beginning on the day when they are received by the registration officer. At the end of the one year period the registration officer must destroy the documents unless otherwise directed by order of a county court, a Crown Court, a magistrates’ court or an election court.

Similarly, the returning officer must destroy each of the candidate’s nomination papers and home address forms on the next day following the 35<sup>th</sup> day after the returning officer has returned the names of the elected members. This must happen unless an election petition questioning the election or returning of candidates is presented before that day. If this happens, then the documents must be destroyed as soon as is practicable following the conclusion of proceedings which includes where there is an appeal and the proceedings of the appeal.

Rules 63 sets out the processes of producing documentation for a county court. It relates to specific documents in the custody of the registration officer, the documents are:

- Rejected and counted ballot papers;
- Sealed packets containing completed corresponding number lists; and
- Sealed packets containing certificates surrendered by constables or staff of returning officers.

If a county court is satisfied by evidence given on oath, they are able to make any of the following listed orders. These orders are required for the purpose of instituting and maintaining a prosecution for an offence in relation to a ballot paper, or in relation to ballot papers for the purpose of an election petition. These Orders are:

- An order for the inspection or production of any of the rejected ballot papers including any ballot papers rejected in part;
- An order for the inspection of any of the counted ballot papers;
- An order for the opening of any of the sealed packets containing completed corresponding number lists or certificates surrendered by constables or staff of returning officers. This order can be made for the inspection of the whole or part of the content of a sealed packet.

An election court may make orders relating to these documents and can make:

- An order for the inspection of any of the counted ballot papers;
- An order for the opening of any of the sealed packets containing completed corresponding number lists or certificates surrendered by constables or staff of returning officers. This order can be made for the inspection of the whole or part of the content of a sealed packet.

Any order made under this Rule may be made subject to any of the following conditions the court believes is appropriate. In deciding what is appropriate the court should consider how to ensure that the way the elector has given their vote is not disclosed unless, and until, it is proven that the elector has given their vote and that the vote has been declared invalid by a competent court. The conditions are:

- Conditions as to person;
- Conditions as to time;
- Conditions as to the place and method of inspection;
- Conditions as to the production or opening.

The power set out in this Rule may be exercised by any judge of the county court but must not be exercised in open court. Any appeals around an order made under this Rule will be made to the High Court. Unless the Rule states otherwise, no person may inspect any of the rejected or counted ballot papers, open any of the sealed packets containing completed corresponding number lists or certificates surrendered by constables or staff of returning officers.

When any of the packets detailed above are presented by the registration officer or the registration officer's agent in compliance with the order it must be accepted that this is conclusive evidence that the documents contained within the packets relate to the specified election. Similarly if a packet of ballot papers with an endorsement on the packet is produced by the registration officer or registration officer's agent it must be accepted that the ballot papers are what they are stated to be. This also applies to the votes cast on those ballot papers, that is to say, it must be accepted that the elector whose vote was given on a specific ballot paper was indeed the elector as set out on the local government register of electors for the specified election.

#### Part 6: Death of a candidate

The final provision in Schedule 1 relates to the countermand or abandonment of a poll as a result of the death of a candidate. If, in a contested election, the returning officer is satisfied (before the result of the election is declared) that

one of the candidates named on the ballot paper has died the returning officer must countermand the notice of the poll, or if polling has begun, the returning officer must direct that the poll is abandoned and no further ballot papers may be issued.

If a poll is abandoned, the presiding officer at any polling station in use at the election must take the necessary steps, set out in these Rules, at the close of polls. It is not necessary for the presiding officer to prepare a ballot paper account.

The returning officer must deal with ballot papers and other documents that are in their possession (or later delivered to them) when the poll is abandoned in the same way as they would deal with documentation under normal circumstances and in line with the Rules set out in this Schedule. However, the returning officer must seal up all the ballot papers (whether the votes have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets. Any ballot papers on which the votes were neither counted nor rejected are to be treated as counted ballot papers.

## **Schedule 2**

### **Rules for the conduct of a principal council election where the poll is taken together with the poll at another election**

Schedule 2 sets out the rules that apply to the conduct of an election where the poll is taken together or combined with the poll at another election. Most of the Rules are the same as for stand-alone community council elections, however there are some notable differences. Those Rules that either new, substantially different, or have small differences are detailed below.

Whilst these Rules do not make provision about local government elections when combined with Senedd elections, Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007 will continue to apply (as modified) to such combinations.

#### **Part 3: The poll at contested elections**

##### *General provisions*

Part 3 of these Rules set out procedures around contested elections. Where a poll is combined, the Rules are largely the same as where a poll for a stand-alone community council election is held. There are some minor changes to the Rules, for instance, in these circumstances the ballot paper must be of a different colour to that of any ballot papers being used at any other election being held in combination with the principal council election.

Similarly, if the poll is combined, there are a number of functions that must be undertaken by the “co-ordinating returning officer”. This means that the relevant

function may be undertaken for both elections by the returning officer who, under regulation 4 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (“the Combination of Polls Regulations”), is responsible for discharging the functions specified in regulation 5 of those Regulations to be known as “the co-ordinating returning officer”. These functions stretch across the Rules and are particularly relevant to the duties undertaken in relation to postal voting, at the close of poll and during the count. Further details (where necessary) of these functions are included under the relevant sections.

If a community area election is combined with another poll, the returning officer must issue a polling cards. When issuing poll cards, if the returning officer for each relevant election agrees, a combined poll card may be issued which includes all the necessary information for both elections as set out above.

In preparation for polling day the returning officer is required to provide each presiding officer with a sufficient number of ballot boxes and ballot papers, as they deem necessary. Every ballot box must be constructed so that ballot papers can be put in but cannot be taken out of it without the box being unlocked or unsealed (depending on the design of the box). If the returning officer considers it appropriate, the same ballot box may be used for any relevant elections taking place on that polling day, that is to say the community area election and any other relevant election. If the returning officer does not consider it appropriate, specific provisions must be made for the use of different ballot boxes. Each ballot box must be marked clearly with the election it relates to as shown on the ballot paper for that election, and the box must clearly indicate the colour of ballot paper that should be inserted into the box.

### *The Poll*

Polling station presiding officers are required (as with stand-alone community council elections) to keep individual lists of electors in specific circumstances. These circumstances are:

- Where the presiding officer is asked to place the mark of voter on the ballot paper if they are blind, have an impairment or are unable to read;
- Where an application has been made to the presiding officer for a companion to assist a voter who is blind, has an impairment or who is unable to read;
- Where a tendered ballot is issued, in these circumstances a “tendered ballot” is the same as set out in Schedule 1 to these Rules; and
- Where a correction is made to the polling station register on the day of the poll.

In each of these cases, if the poll is combined, the list may be used by the presiding officer for both the community area election and any other relevant election the voter has participated in. Where the same list is used it must be

made clear which election the elector participated in, if they did not participate in all elections taking place in the polling station.

#### Part 4: Counting of votes and declaration of result at contested election

The Rules set out in this part apply differently to returning officers depending on whether or not they are the co-ordinating returning officer. While this is unlikely given the returning officer for a principal council election will be returning officer for community and town council elections, there could be circumstances where the co-ordinating returning officer is a different person. If the returning officer is the co-ordinating returning officer, the following Rules apply:

- Rule 53 (attendance at proceedings);
- Rule 54 (preliminary and general duties);
- Rule 55 (separation of ballot papers etc.); and
- Rule 58 to 64 (provisions relating to counting etc.)

Where the returning officer is not the co-ordinating returning officer, the following Rules apply:

- Rule 53(1) and (3) to (8) (attendance at proceedings);
- Rule 56 (preliminary and general duties);
- Rule 57 (opening of containers etc.); and
- Rule 58 to 64 (provisions relating to counting etc.)

Rule 53 sets out who is allowed to be present at proceedings concerning the separation of ballot papers, the opening of containers and the count itself. The following are entitled to be present at these proceedings:

- The returning officer and members of the returning officer's staff;
- Each candidate and a guest of each candidate;
- The community area election agents;
- The community area counting agents;
- Representatives of the Electoral Commission and accredited observers as provided for under sections 6A to 6D of the Political Parties and Referendums Act 2000; and
- The constables on duty.

Additionally, any person that is entitled to attend the counting of votes at the relevant election, that is to say not the community area election, is also allowed to attend proceedings around the separation of ballot papers.

The returning officer may also permit any other person to attend proceedings around the separation of ballot papers, opening of containers and the count only if the returning officer is satisfied that the person's attendance will not impede on the efficient discharge of the returning officer's functions and has

either consulted the election agents about whether or not to give permission or has decided it is not practicable to consult the election agents.

The returning officer is required to give counting agents reasonable facilities for overseeing any of the proceedings they are entitled to attend. The returning officer, in so far as is possible, must also give the counting agents all the information about proceedings. This must be done consistently and with the orderly conduct of proceedings and must allow the returning officer to discharge their duties fully and properly. This particularly relates to the sorting of votes where a candidate is elected by the use of the simple majority. A principal area counting agent is entitled to satisfy themselves that in this case the ballot papers have been sorted correctly before the counting begins.

The co-ordinating returning officer must make arrangements for the votes to be counted in the presence of the community area counting agents (if appointed) and any other counting agents as soon as practicable. The returning officer is required to give the counting agents a notice stating the time and place at which the votes will be counted. While the counting and recording of votes is taking place, the returning officer must take all proper precautions to prevent any person from identifying the voter who has cast the vote.

If the returning officer is the co-ordinating returning officer, they must, in the presence of the community counting agents and other counting agents, open each ballot box, take out the ballot papers and record separately the number of ballot papers used in each election. The returning officer must not count any tendered ballot papers. If separate ballot boxes were used at the poll, no vote for a candidate at the community area election is to be treated as invalid because it was put in the ballot box for the other relevant election taking place.

After verifying the ballot paper accounts, the returning officer must count the postal ballot papers that have been properly returned. This means the ballot paper and the properly completed accompanying postal voting statement have been handed in at a polling station in the electoral ward before the close of poll (a person standing inside the polling station or in the queue for the polling station is entitled to hand in their postal vote and it will be counted), given by hand to the returning officer before the close of the poll, or received by the returning officer by post before the close of poll. In this instance a properly completed postal voting statement will be signed by the elector or by the proxy and will state the date of birth of the elector or the proxy. Once this has been done the returning officer must separately record the number of valid postal ballots counted at the poll at the principal area election and at each relevant election.

Following this, the returning officer must separate the ballot papers relating to the community area election from the ballot papers relating to each relevant election. They must then make up packets of ballot papers for each relevant election and seal these packets in separate containers making clear on each one which ballot papers are contained therein. The returning officer must then deliver, or arrange for delivery, of the containers of ballot papers for each

election together with a list of the containers and their content, the ballot paper accounts relating to the election together with a copy of the statements as to the result of the verification and the packets of unused or spoiled ballot papers, tendered ballot papers and certificates surrendered during polling to each of the relevant returning officers for each election.

The returning officer must then mix together all the ballot papers used at the principal area election.

If the returning officer is not the co-ordinating returning officer they must take specific action in advance of the count as set out in Rule 56. They must make arrangements for the votes to be counted in the presence of the principal area counting agents as soon as is practicable following the delivery of the ballot papers by the co-ordinating returning officer.

The returning officer is required to give the counting agents a notice stating the time and place at which the votes will be counted. While the counting and recording of votes is taking place, the returning officer must take all proper precautions to prevent any person from identifying the voter who has cast the vote.

Upon receipt of the containers of ballot papers from the co-ordinating returning officer, the returning officer must open each container in the presence of the community area counting agent. If postal ballots for the relevant election have not been dealt with by the co-ordinating returning officer, the returning officer must count the postal ballot papers that have been properly returned and record the number counted. The returning officer must mix together all the postal ballot papers and the ballot papers from the containers.

#### Part 5: Disposal of documents

When the process of counting of votes has been completed, the returning officer must seal in separate packets the counted ballot papers, and the rejected ballot papers. The returning officer must not open any packets that were previously sealed containing the tendered ballot papers, completed corresponding number lists, certificates surrendered by constables or staff of returning officers, or marked copies of the registration records and lists of proxies.

Where a returning officer has sealed up the counted and rejected ballot papers they must forward the following documents to the registration officer of the local authority in whose area the election was held:

- The packets of ballot papers in the returning officer's possession;
- The ballot paper accounts;
- The statements of rejected ballot papers;
- The statement as to the result of the verification of the ballot paper accounts;
- and
- The packets containing the postal voters list and the proxy postal voters list.

Where the returning officer is also the co-ordinating returning officer, they must also forward the following documents to the registration officer of the local authority in whose area the election was held:

- The lists of votes marked by the presiding officer, together with the statement of the number of voters whose votes are marked under the headings “disability” and “unable to read”;
- The declaration made by the companions of votes with disabilities;
- The lists of voters with disabilities assisted by companions;
- The tendered votes lists;
- The lists of correction of errors on the electoral register on the day of the poll;
- The packets containing completed corresponding number lists;
- The packets containing certificates surrendered by the constables or staff of returning officers; and
- The packets containing copies of registration records and lists of proxies.

The final provision in Schedule 2 relates to the countermand or abandonment of a poll as a result of the death of a candidate. If, in a contested election, the returning officer is satisfied (before the result of the election is declared) that one of the candidates named on the ballot paper has died the returning officer must countermand the notice of the poll, or if polling has begun, the returning officer must direct that the poll is abandoned and no further ballot papers may be issued. This countermanding or abandoning of the poll does not affect the poll at any relevant election.

At the close of poll at each relevant election, the presiding officer at any polling station in use at the election must take the steps set out in these Rules to close the poll in the same way had the principal area poll not been abandoned. However, it is not necessary for the presiding officer to prepare a ballot paper account.

When the returning officer is the co-ordinating returning officer they are required to take the steps necessary under Part 4 of these Rules. However, specific exceptions apply in these circumstances, which are that the returning officer must not proceed with counting any ballot papers or votes relating to the abandoned poll, and it is not necessary to verify any ballot paper accounts relating to the poll.

When the returning officer is not the co-ordinating returning officer they must receive any ballot papers or other documents relating to the abandoned poll that may be delivered by, or on behalf of, the returning officer but they must not proceed with any step set out in Part 4 of these Rules in so far as they relate to the abandoned poll.

### **Schedule 3**

Schedule 3 sets out the form the declaration as to election expenses at an election of community councillors must take.

#### **Schedule 4**

Schedule 4 of these Rules sets out the consequential amendments that will be made to legislation as a result of making these Rules.