

SCHEDULE 3

Regulation 8

THE LOCAL GOVERNMENT ACT REFERENDUMS RULES

CONTENTS

PART 1

Citation and Interpretation

1. Citation
2. Interpretation

PART 2

Provisions as to Time

3. Timetable
4. Computation of time

PART 3

General Provisions

5. Notice of referendum
6. Poll to be taken by ballot
7. The ballot papers
8. The corresponding number list
9. The official mark
10. Prohibition of disclosure of vote
11. Use of schools and public rooms

PART 4

Action to be Taken Before the Poll

12. Notice of poll
13. Postal ballot papers
14. Provision of polling stations
15. Appointment of presiding officers and polling clerks
16. Issue of official poll cards
17. Equipment of polling stations
18. Appointment of polling observers and counting observers
19. Notification of requirement of secrecy
20. Return of postal ballot papers

PART 5

The Poll

21. Admission to polling station
22. Keeping of order in station
23. Sealing of ballot boxes
24. Questions to be put to voters and proxies

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323*

25. Challenge of voter or proxy
26. Voting procedure
27. Votes marked by presiding officer
28. Voting by persons with disabilities
29. Tendered ballot papers: circumstances where available
30. Tendered ballot papers: general provisions
31. Spoilt ballot papers
32. Correction of errors on day of poll
33. Adjournment of poll in case of riot
34. Procedure on close of poll

PART 6

Counting of Votes

35. Attendance at counting of votes
36. The count
37. Re-count
38. Rejected ballot papers
39. Decisions on ballot papers
40. Equality of votes

PART 7

Declaration of Result and Disposal of Documents

41. Declaration of result
42. Sealing up of ballot papers
43. Delivery of documents to relevant registration officer
44. Orders for production of documents
45. Retention of documents

PART 8

Appendix of Forms

Signature
Explanatory Note

PART 1

Citation and Interpretation

Citation

1. These Rules may be cited as the Local Government Act Referendums Rules.

Interpretation

- 2.—(1) In these Rules “voter” means a person entitled to vote on his or her own behalf.
- (2) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

PART 2

Provisions as to Time

Timetable

3. The proceedings at the referendum shall be conducted in accordance with the following Timetable.

Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of referendum	Not later than the twenty-fifth day before the day of the referendum.
Notice of poll	Not later than the sixth day before the day of the referendum.
Polling	Between the hours of 7 in the morning and 10 at night on the day of the referendum.

Computation of time

4. In computing any period of time for the purposes of the Timetable the days mentioned in regulation 18(2)(a) to (c) shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the counting officer be obliged to proceed with the counting of the votes on such a day.

PART 3

General Provisions

Notice of referendum

5.—(1) The counting officer must publish notice of the referendum, stating the date of the poll.
(2) The notice of referendum must state the date by which—
(a) applications to vote by post or by proxy; and
(b) other applications and notices about postal or proxy voting,
must reach the registration officer in order that they may be effective for the referendum.

Poll to be taken by ballot

6. A poll must be taken at the referendum and the votes at the poll must be given by ballot.

The ballot papers

7.—(1) The ballot of every person entitled to vote at the referendum must consist of a ballot paper.
(2) Every ballot paper to be used in the referendum must be in the appropriate form in the Appendix (depending on the question to be asked in the referendum).
(3) Every ballot paper must—

- (a) be capable of being folded up; and
- (b) have a number and other unique identifying mark printed on the back.

The corresponding number list

8.—(1) The counting officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him or her in pursuance of rule 13(1) or provided by that person in pursuance of rule 17(1).

- (2) The list must be in the form L1 in the Appendix or a form to like effect.

The official mark

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

- (2) The official mark must be kept secret.

(3) The counting officer may use a different official mark for different purposes at the same referendum.

Prohibition of disclosure of vote

10. No person who has voted at the referendum shall, in any legal proceeding to question the referendum, be required to state for which answer he or she has voted.

Use of schools and public rooms

11.—(1) The counting officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a local authority (as defined in the Education Act 1996) or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

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

PART 4

Action to be Taken Before the Poll

Notice of poll

12.—(1) The counting officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the question to be asked in the referendum.

(2) The notice of the poll must be published no later than the sixth day before the date of the referendum.

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

- (a) the situation of each polling station; and

- (b) the description of persons entitled to vote there.

Postal ballot papers

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

(2) The counting officer must also issue to those entitled to vote by post such information as he or she thinks appropriate about how to obtain—

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

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

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

Provision of polling stations

14.—(1) The counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the voters to the polling stations in such manner as he or she thinks most convenient.

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

(3) The polling station allotted to voters from any parliamentary polling district wholly or partly within the voting area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

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

Appointment of presiding officers and polling clerks

15.—(1) The counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the referendum.

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

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

(1) See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) (amended by [S.I. 2001/1700](#), [2002/1871](#), [2004/226](#), [2006/752](#) and [2006/2910](#)).

Issue of official poll cards

16.—(1) The counting officer must as soon as practicable after the publication of the notice of the referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

- (a) in the case of a voter, to his or her qualifying address; and
- (b) in the case of a proxy, to his or her address as shown in the list of proxies.

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

- (a) the name of the council and of the voting area;
- (b) the name of the voter, his or her qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the voter's polling station;
- (d) such other information as the counting officer thinks appropriate,

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

(4) In the case of a voter who has an anonymous entry in the register, instead of containing the matter mentioned in paragraph (3)(b), the poll card must contain such matter as is specified in the appropriate form in the Appendix.

(5) In this rule references to a voter—

- (a) are to a person who is registered in the register of local government electors for the voting area in question on the last day for the publication of notice of the referendum; and
- (b) include a person then shown in the register as below voting age if (but only if) it appears from the register that he or she will be of voting age on the day fixed for the poll.

Equipment of polling stations

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

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

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

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of the register of electors for the voting area or such part of it as contains the names of the voters allotted to the station;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors for the voting area or the part of it provided under sub-paragraph (b);
- (d) a list, in the form L2 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act⁽²⁾ in respect of alterations to the register.

(5) The counting officer must also provide each polling station with—

- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and
- (b) a device of such description as is set out in paragraph (9) for enabling voters and proxies who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 28(1)).

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

(7) The counting officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as he or she considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(8) In every compartment of every polling station there must be exhibited the notice “[Specify name of council....] REFERENDUM. Mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only. Put no other mark on the ballot paper, or your vote may not be counted.”

(9) The device referred to in paragraph (5)(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 suitable means for the voter or proxy to—
 - (i) identify the spaces on the ballot paper on which that person may mark his or her vote;
 - (ii) identify the answer to which each such space refers; and
 - (iii) mark his or her vote on the space he or she has chosen.

Appointment of polling observers and counting observers

18.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(3) For the purpose of assisting the counting officer in the discharge of his or her functions under paragraph (2), a petition organiser may nominate persons who in the opinion of the petition organiser are suitable for appointment as counting observers.

(4) A nomination under paragraph (3) must be made by notice in writing to the counting officer not later than the fifth day before the poll (disregarding any day which is to be disregarded by virtue of rule 4) and the notice must contain the address of each nominee.

(5) Subject to paragraph (6), the counting officer must not, without good cause, decline to appoint as a counting observer a person nominated by a petition organiser under paragraph (3).

(6) The counting officer may limit the number of counting observers, so however that—

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

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

For the purposes of the calculations required by this paragraph, a counting observer who has been appointed on the nomination of more than one petition organiser is a separate counting observer for each of the petition organisers by whom he or she has been nominated.

(7) Where a counting observer appointed on the nomination of a petition organiser dies or becomes incapable of acting, the petition organiser who made the nomination may nominate another person to be appointed as a counting observer in his or her place by giving notice in writing to the counting officer.

(8) Paragraphs (4) and (5) apply to a nomination under paragraph (7), with the substitution in paragraph (4) for “fifth day” of “final day”.

(9) In the following provisions of these Rules references to polling observers and counting observers shall be taken as references to polling observers and counting observers whose appointments have been duly made.

(10) Any notice required to be given by the counting officer to a counting observer appointed on the nomination of a petition organiser may be delivered at, or sent by post to, the address stated in the notice of nomination.

(11) A petition organiser may do any act or thing which any counting observer is authorised to do, or may assist any counting observer appointed on his or her nomination in doing any such act or thing.

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

Notification of requirement of secrecy

19.—(1) The counting officer must make such arrangements as he or she thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act⁽³⁾, as applied by Schedule 4; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section, as applied by Schedule 4.

Return of postal ballot papers

20.—(1) Where—

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

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

the counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act(4).

(2) Rule 36(3) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

PART 5

The Poll

Admission to polling station

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

- (a) voters and proxies;
- (b) persons under the age of 18 who accompany voters and proxies to the polling station;
- (c) the polling observers appointed to attend at the polling station;
- (d) the clerks appointed to attend at the polling station;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
- (f) the constables on duty;
- (g) the companions of voters and proxies with disabilities;
- (h) the elected mayor, if any, of the council in respect of which the referendum is held; and
- (i) any petition organiser.

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

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

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

Keeping of order in station

22.—(1) It is the presiding officer's duty to keep order at his or her polling station.

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

- (a) by a constable in or near that station; or
- (b) by any other person authorised in writing by the counting officer to remove him or her,

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

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

(4) See regulation 84A of the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2006/2910](#).

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

Sealing of ballot boxes

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

Questions to be put to voters and proxies

24.—(1) At the time of the application for a ballot paper (but not afterwards), the questions specified in the second column of the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column; and
- (b) must be put if the letter “R” appears after the question and a petition organiser or polling observer requires the question to be put:

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as a voter	(a)—Are you the person registered in the register of local government electors for this voting area as follows? <i>(read the whole entry from the register)</i> [R] (b)—Have you already voted here or elsewhere at this referendum, otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a)—Are you the person whose name appears as AB in the list of proxies for this voting area as entitled to vote as proxy on behalf of CD? [R] (b)—Have you already voted here or elsewhere at this referendum as proxy on behalf of CD? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD? [R]
3	A person applying as proxy for a voter with an anonymous entry (instead of the questions at entry 2)	(a)—Are you the person entitled to vote as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (b)—Have you already voted here or elsewhere as proxy on behalf of the voter whose number on the register of electors is <i>(read out the number)</i> ? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is <i>(read out the number)</i> ? [R]

<i>Q no</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
4	A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you already voted at this referendum on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
5	A person applying as a voter in relation to whom there is an entry in the postal voters list	(a)—Did you apply to vote by post? (b)—Why have you not voted by post?
6	A person applying as proxy who is named in the proxy postal voters list	(a)—Did you apply to vote by post as proxy? (b)—Why have you not voted by post as proxy?

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

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

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

Challenge of voter or proxy

25. A person must not be prevented from voting by reason only that—

- (a) any petition organiser or polling observer permitted to be present in accordance with rule 21(1) declares that he or she has reasonable cause to believe that the person has committed an offence of personation; or
- (b) the person is arrested on the grounds that he or she is suspected of committing or of being about to commit such an offence.

Voting procedure

26.—(1) A ballot paper must be delivered to a voter or proxy who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the voter as stated in the copy of the register of electors must be called out;
- (b) the number of the voter as stated in the register must be marked on the list mentioned in rule 17(3)(d) beside the number of the ballot paper to be issued to him or her;
- (c) a mark must be placed in the copy of the register of electors against the number of the voter to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his or her name in the list of proxies.

(2) In the case of a voter who has an anonymous entry, that person must show the presiding officer his or her official poll card and only his or her number shall be called out in pursuance of paragraph (1)(a).

(3) In the case of a voter who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

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

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

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

Votes marked by presiding officer

27.—(1) The presiding officer, on the application of a voter or proxy—

- (a) who is incapacitated by blindness or other disability from voting in the manner directed by these Rules; or
- (b) who declares orally that he or she is unable to read,

must, in the presence of the polling observers (if any), cause that person’s vote to be marked on a ballot paper in the manner directed by that person, and the ballot paper to be placed in the ballot box.

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

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

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

Voting by persons with disabilities

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

- (a) blindness or other disability; or
- (b) inability to read,

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

(2) If the presiding officer—

- (a) is satisfied that the voter or proxy is so incapacitated; and

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

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

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

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

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

(a) is a person who is entitled to vote on his or her own behalf at the referendum; or

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

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

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

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

(6) The declaration made by the companion of a voter or proxy with disabilities—

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

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

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

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

Tendered ballot papers: circumstances where available

29.—(1) If a person, representing himself or herself to be—

(a) a particular voter named on the register and not named in the absent voters list; or

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

applies for a ballot paper after another person has voted in person either as the voter or his or her proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 30, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter or proxy.

(2) Paragraph (4) applies if—

(a) a person applies for a ballot paper representing himself or herself to be a particular voter named on the register;

(b) he or she is also named in the postal voters list; and

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

(3) Paragraph (4) also applies if—

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

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 30, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

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

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

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

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of rule 30, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter or proxy.

Tendered ballot papers: general provisions

30.—(1) A tendered ballot paper must—

- (a) be of a colour differing from that of the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him or her with the name of the person who has marked a tendered ballot paper and that person’s number in the register of electors, and set aside in a separate packet.

(2) The name of the person who has marked a tendered ballot paper and his or her number in the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).

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

(4) In the case of a voter who has an anonymous entry, this rule and rule 29 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the person who has marked a tendered ballot paper shall be ignored;
- (b) otherwise, a reference to a person named on a register or list shall be construed as a reference to a person whose number appears in the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 29 shall apply as if—

- (a) in rule 29(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
- (b) in paragraph (1)(b) of this rule for “that person’s number in the register of electors” there were substituted “the number relating to him or her on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in paragraph (2) of this rule, for “his or her number in the register of electors” there were substituted “the number relating to him or her on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

Spoilt ballot papers

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

Correction of errors on day of poll

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

Adjournment of poll in case of riot

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

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

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day; and
- (b) references in these Rules to the close of the poll shall be construed accordingly.

Procedure on close of poll

34.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling observers (if any), make up into separate packets, sealed with his or her own seal and the seals of such polling observers as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (e) the lists prepared under rule 8 including the parts which were completed in accordance with rule 26(1)(b) (together referred to in these Rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters and proxies with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters and proxies whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 32 (correction of errors on day of poll), and the declarations made by the companions of voters and proxies with disabilities,

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

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

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

PART 6

Counting of Votes

Attendance at counting of votes

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

(2) No person other than—

- (a) the counting officer and his or her clerks;
- (b) the counting observers;
- (c) the elected mayor, if any, of the council in respect of which the referendum is held;
- (d) the petition organisers; and
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

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

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the counting officer unless he or she is satisfied that the efficient counting of the votes will not be impeded.

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

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

The count

36.—(1) The counting officer must—

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

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

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

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

Re-count

37.—(1) A petition organiser, if present when the counting or any re-count of the votes is completed, may require the counting officer to have the votes re-counted or again re-counted but the counting officer may refuse to do so if in his or her opinion the request is unreasonable.

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

Rejected ballot papers

38.—(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which votes are given for more than one answer; or

- (c) on which anything is written or marked by which the voter or proxy can be identified except the printed number and other unique identifying mark on the back; or
- (d) which is unmarked or void for uncertainty,

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

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

shall not for such reason be deemed to be void if an intention that the vote shall be for one or the other of the answers clearly appears, and the way the paper is marked does not itself identify the voter or proxy and it is not shown that he or she can be identified by it.

(3) The counting officer must endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and must add to the endorsement the words “rejection objected to” if any objection is made by a counting observer to the counting officer’s decision.

(4) The counting officer must draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one answer;
- (c) writing or mark by which the voter or proxy could be identified;
- (d) unmarked or void for uncertainty.

Decisions on ballot papers

39. The decision of the counting officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on a referendum petition.

Equality of votes

40. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between the answers the counting officer must forthwith decide the referendum by lot.

PART 7

Declaration of Result and Disposal of Documents

Declaration of result

41. When the result of the poll has been ascertained, the counting officer must forthwith—

- (a) declare the result of the referendum;
- (b) inform the proper officer of the authority by or in respect of which the referendum was held of the result of the referendum;
- (c) give public notice of—
 - (i) the result of the referendum;
 - (ii) the number of ballot papers counted;
 - (iii) the total number of votes cast for each answer; and

- (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

Sealing up of ballot papers

42.—(1) On the completion of the counting at a referendum the counting officer must seal up in separate packets the counted and rejected ballot papers.

- (2) The counting officer must not open the sealed packets of—
 - (a) tendered ballot papers;
 - (b) the completed corresponding number lists;
 - (c) certificates as to employment on duty on the day of the poll; or
 - (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery of documents to relevant registration officer

43.—(1) The counting officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in the counting officer’s possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of voters and proxies with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 32, and the declarations made by the companions of voters and proxies with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

endorsing on each packet a description of its contents, the date of the referendum to which it relates and the name of the local authority by which or in respect of which the referendum was held.

(2) In this rule and in rules 44 and 45 references to the relevant registration officer are to the registration officer of the local authority by or in respect of which the referendum is held.

Orders for production of documents

- 44.**—(1) An order—
- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer; or
 - (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the relevant registration officer’s custody,

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

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

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

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

as the court making the order may think expedient.

(4) In making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular person has been given shall not be disclosed until it has been proved—

- (a) that that person's vote was given; and
- (b) that the vote has been declared by a competent court to be invalid.

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

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

(7) Where an order is made for the production by the relevant registration officer of any document in his or her possession relating to any specified referendum—

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

(8) The production from proper custody of—

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

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

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

Retention of documents

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

PART 8

Appendix of Forms

Note:—The forms contained in this Appendix may be adapted so far as circumstances require.

Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Form of Ballot Paper: Question in referendum as specified in paragraph 4 of Schedule 1

Form of Ballot Paper: Question in referendum as specified in paragraph 5 of Schedule 1

Form of Ballot Paper: Question in referendum as specified in paragraph 6 of Schedule 1

Corresponding Number List L1

Corresponding Number List L2

Form of Postal Voting Statement

Official Poll Card (to be sent to a voter voting in person)

Official Postal Poll Card (to be sent to a voter voting by post)

Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Form of directions for the guidance of the voters and proxies in voting

Form of Certificate of Employment

Form of declaration to be made by the companion of a voter or proxy with disabilities

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

Form of Ballot Paper: Question in referendum as specified in paragraph 1 of Schedule 1

Front of ballot paper

Referendum on how _____ Council is run	
Vote only once by marking a cross (X) in the box next to your choice	
How would you like _____ Council to be run?	
By a leader who is an elected councillor chosen by a vote of the other elected councillors. This is how the council is run now.	<input type="checkbox"/>
By a mayor who is elected by voters. This would be a change from how the council is run now.	<input type="checkbox"/>

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [name of voting area].....

Form of Ballot Paper: Question in referendum as specified in paragraph 2 of Schedule 1

Front of ballot paper

Referendum on how _____ Council is run	
Vote only once by marking a cross (X) in the box next to your choice	
How would you like _____ Council to be run?	
By one or more committees made up of elected councillors. This is how the council is run now.	<input type="checkbox"/>
By a mayor who is elected by voters. This would be a change from how the council is run now.	<input type="checkbox"/>

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [name of voting area].....

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

Form of Ballot Paper: Question in referendum as specified in paragraph 3 of Schedule 1

Front of ballot paper

Referendum on how _____ Council is run
Vote only once by marking a cross (X) in the box next to your choice
How would you like _____ Council to be run?
By a mayor who is elected by voters. This is how the council is run now. <input type="checkbox"/>
By a leader who is an elected councillor chosen by a vote of the other elected councillors. This would be a change from how the council is run now. <input type="checkbox"/>

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [name of voting area].....

Form of Ballot Paper: Question in referendum as specified in paragraph 4 of Schedule 1

Front of ballot paper

Referendum on how _____ Council is run
Vote only once by marking a cross (X) in the box next to your choice
How would you like _____ Council to be run?
By one or more committees made up of elected councillors. This is how the council is run now. <input type="checkbox"/>
By a leader who is an elected councillor chosen by a vote of the other elected councillors. This would be a change from how the council is run now. <input type="checkbox"/>

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [name of voting area]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

Form of Ballot Paper: Question in referendum as specified in paragraph 5 of Schedule 1

Front of ballot paper

Referendum on how _____ Council is run	
Vote only once by marking a cross (X) in the box next to your choice	
How would you like _____ Council to be run?	
By a mayor who is elected by voters. This is how the council is run now.	<input type="checkbox"/>
By one or more committees made up of elected councillors. This would be a change from how the council is run now.	<input type="checkbox"/>

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [name of voting area].....

Form of Ballot Paper: Question in referendum as specified in paragraph 6 of Schedule 1

Front of ballot paper

Referendum on how _____ Council is run	
Vote only once by marking a cross (X) in the box next to your choice	
How would you like _____ Council to be run?	
By a leader who is an elected councillor chosen by a vote of the other elected councillors. This is how the council is run now.	<input type="checkbox"/>
By one or more committees made up of elected councillors. This would be a change from how the council is run now.	<input type="checkbox"/>

Back of ballot paper

Ballot Paper Number

Other Unique Identifying Mark

Council referendum on [insert date] [name of voting area]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

**Form of Postal Voting Statement
(for use at a referendum)**

Postal Voting Statement

*Name of person voting by post: Ballot paper No
*(Counting Officer to insert name but omit where ballot papers sent to a person with an anonymous entry in the register) [other identifying mark]

You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth (Date of birth of person voting)

#Signature (Signature of person voting)
IMPORTANT - Keep signature within border

*(Counting Officer to omit where a person has been granted a waiver)

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.

PLEASE READ INSTRUCTIONS TO THE PERSON VOTING

Issued by the Counting Officer

INSTRUCTIONS TO THE PERSON VOTING

Complete the ballot paper yourself and in private. If you need help contact the Counting Officer's staff as shown below

[contact details for assistance include address as appropriate]

1. You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.
2. Vote ONCE only. Do not mark the ballot paper in any other way, or your vote may not be counted.
3. Mark a cross (X) in the box on the right hand side of the answer of your choice.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. Put the ballot paper in the small envelope marked **A** and seal it.
6. Complete the postal voting statement by [#signing it, and] providing your date of birth.
7. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
8. After receiving this postal vote, you cannot vote in person at a polling station at this

referendum.

9. If you accidentally spoil your ballot paper, you can apply to the Counting Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoiled ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Counting Officer as soon as possible.

! Your ballot paper and the postal voting statement must be received by the Counting Officer by 10 p.m. on [day/date of poll]. You can deliver your completed postal vote to any polling station in your voting area on polling day.

Voting fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another person's ballot paper.

It is illegal to vote more than once at the same referendum (unless you are appointed as a proxy for another person entitled to vote at the referendum).

**(Counting Officer to omit where a person has been granted a waiver)*

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

OFFICIAL POLL CARD (to be sent to a voter who is voting in person) <i>Front of card</i>	
OFFICIAL POLL CARD	
Council: Voting Area: Polling Day: Polling hours: 7 a.m. to 10 p.m. Your polling station will be:	Number on register: *Name *Address *(Counting Officer to omit where poll card sent to a person with an anonymous entry in the register. Poll card to such a person must be 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	
<i>Back of card</i>	
[insert name of local authority] REFERENDUM	
*When you go to the polling station, tell the clerk your name and address, as shown on the front of the 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 answer of your choice.	
Vote ONCE only. Do not put any other mark on the ballot paper, or your vote may not be counted.	
If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.	
Fold the ballot paper 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 -	
<ul style="list-style-type: none"> • You can apply to vote by post. Your application form must be received before 5 p.m. on [-1] day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this referendum. • You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5 p.m. on [-6 day/date deadline]. If you appoint a proxy, you can still vote in this referendum 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 [-6 day/date deadline]. 	
To change any of your voting arrangements please contact [helpline number] as soon as possible.	
Issued by the Counting Officer	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

[Where poll card sent to a person with an anonymous entry in the register substitute for the paragraphs marked with * above:-

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.]

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

<p>OFFICIAL POSTAL POLL CARD (to be sent to a voter who is voting by post) <i>Front of card</i></p>	
<p>OFFICIAL POSTAL POLL CARD</p>	
<p>Council:</p> <p>Voting Area:</p> <p>For the referendum on: [day/date]</p> <p>Number on Register:</p> <p>*Name and Address: *(Counting Officer to omit where poll card sent to a person with an anonymous entry in the register. Poll card to such a person must be delivered in a sealed envelope.)</p>	<p>This notice is to tell you that you have asked to vote by post for this referendum, and you will not be able to vote in a polling station. If you want to cancel your postal vote please call the helpline number shown below before 5 p.m. on [-11 day/date deadline]. We will send your postal voting papers around [day/date].</p> <p style="text-align: right;">Addressed to: (Name and Address)</p> <p>If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</p>
<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 5 p.m. on [day/date of poll].</p>	
<p>This card is to provide you with information about voting by post. <i>SEE INFORMATION ON THE BACK OF THIS CARD</i> <i>Back of card</i></p>	
<p>[insert name of local authority] REFERENDUM</p>	
<p>When you receive your postal voting pack, please read the instructions with it carefully before 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 Counting Officer: please call the helpline number shown below.</p> <p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Counting Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature (unless a waiver has been granted), and date of birth, the statement will not be valid and your vote will not be counted. The Counting Officer can cross check your signature against other records that they hold.</p> <p>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 p.m. on [day/date of poll].</p> <p>Complete and return your postal vote as soon as possible. The Counting Officer must receive your postal vote by 10 p.m. on [day/date of poll]. You can deliver your completed voting papers to any polling station in the voting area.</p> <p>If you want to vote in person at this referendum, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].</p> <p>If you need any assistance, please call our helpline on: [helpline number].</p>	
<p>It is an offence to vote using a ballot paper that was not addressed to you. Issued by the Counting Officer</p>	

OFFICIAL PROXY POLL CARD (to be sent to an appointed proxy voting in person) <i>Front of card</i>	
OFFICIAL PROXY POLL CARD	
Council: Voting Area: Polling Day: Polling hours: 7 a.m. to 10 p.m. The polling station at which you may vote on behalf of the person who has appointed you proxy will be:	*This poll card is to tell you that for this referendum, the person named on the back of this card has appointed you as their proxy. *Proxy's name *Proxy's address *(Counting Officer to omit where poll card sent to the proxy of a person with an anonymous entry in the register. Poll card to such a proxy must be delivered in a sealed envelope.)
*This card is for information only. You can vote without it, but it will save 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 <i>Back of card</i>	
[insert name of local authority] REFERENDUM	
*This poll card is to tell you that for this referendum you are appointed as proxy for: *(Person's name) *(Person's address) *(Person'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 person 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 answer the person is voting for. Vote ONCE only. Do not put any other mark on 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. Fold the ballot paper 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. If you will be away on the date of the poll, you can apply before 5 p.m. on [-11 day/date]	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

deadline] to vote by post. If you are given a postal vote, you or the person who appointed you as proxy will *not* be entitled to vote in person at this referendum.

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

It is illegal to do any of the following:

- Vote more than once (unless you are appointed as a proxy for another person) at the same referendum.
- Vote as a proxy at the same referendum for more than two persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a 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: [*helpline number*].

Issued by the Counting Officer

[Where poll card sent to the proxy of a person with an anonymous entry in the register substitute for the text marked with * above:-

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 person whose number on the register is shown below:

.....
(Person'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.]

OFFICIAL PROXY POSTAL POLL CARD (TO BE SENT TO AN APPOINTED PROXY VOTING BY POST) FRONT OF CARD	
OFFICIAL PROXY POSTAL POLL CARD	
<p>COUNCIL:</p> <p>VOTING AREA:</p> <p>FOR THE REFERENDUM ON: [DAY/DATE]</p> <p>NAME AND ADDRESS (PROXY):</p>	<p>*THIS POLL CARD IS TO TELL YOU THAT FOR THIS REFERENDUM, THE PERSON NAMED ON THE BACK OF THIS CARD HAS APPOINTED YOU AS THEIR PROXY AND YOU HAVE DECIDED TO VOTE BY POST.</p> <p>YOU WILL NOT BE ABLE TO VOTE ON BEHALF OF THE PERSON WHO APPOINTED YOU AS PROXY IN A POLLING STATION. IF YOU WANT TO CANCEL THIS POSTAL VOTE AND VOTE IN PERSON ON POLLING DAY, PLEASE CALL THE HELPLINE NUMBER SHOWN BELOW BEFORE 5PM ON [-11 DAY/DATE DEADLINE].</p> <p>WE WILL SEND YOUR POSTAL VOTING PAPERS AROUND [DAY/DATE].</p> <p>IF THE POSTAL VOTING PAPERS HAVE NOT ARRIVED BY [DAY/DATE] PLEASE CALL: [HELPLINE NUMBER] AND ASK FOR HELP.</p> <p><i>*(WHERE POLL CARD SENT TO THE PROXY OF A PERSON WITH AN ANONYMOUS ENTRY IN THE REGISTER COUNTING OFFICER TO SUBSTITUTE FOR THE TEXT MARKED WITH * ABOVE:-</i></p> <p>THIS POLL CARD IS TO TELL YOU THAT FOR THIS REFERENDUM, THE PERSON WHOSE NUMBER IS SHOWN ON THE BACK OF THIS CARD HAS APPOINTED YOU AS THEIR PROXY AND YOU HAVE DECIDED TO VOTE BY POST.</p> <p><i>POLL CARD TO SUCH A PROXY MUST BE DELIVERED IN A SEALED ENVELOPE.)</i></p>
<p>IF YOU LOSE OR ACCIDENTALLY SPOIL YOUR POSTAL BALLOT PAPER OF THE PERSON WHO APPOINTED YOU AS PROXY, PLEASE CALL THE HELPLINE NUMBER SHOWN ABOVE AS SOON AS POSSIBLE. REPLACEMENT BALLOT PAPERS CAN ONLY BE ISSUED BEFORE 5PM ON [DAY/DATE OF POLL]</p>	
<p>THIS CARD IS TO PROVIDE YOU WITH INFORMATION ABOUT VOTING BY POST. SEE INFORMATION ON THE BACK OF THIS CARD</p>	
<p>BACK OF CARD</p>	
<p>[INSERT NAME OF LOCAL AUTHORITY] REFERENDUM</p>	
<p>*THIS POLL CARD IS TO TELL YOU THAT FOR THIS REFERENDUM YOU ARE APPOINTED AS PROXY FOR THE PERSON NAMED BELOW AND YOU HAVE DECIDED TO VOTE BY POST.</p> <p>.....</p> <p>*(PERSON'S NAME)</p> <p>.....</p> <p>.....</p> <p>*(PERSON'S ADDRESS)</p> <p>.....</p> <p>.....</p> <p>WHEN YOU RECEIVE THE POSTAL VOTING PACK, PLEASE READ THE INSTRUCTIONS WITH IT CAREFULLY BEFORE COMPLETING THE POSTAL BALLOT PAPER.</p> <p>DO NOT LET ANYONE SEE YOUR VOTE. IF YOU NEED HELP VOTING, THE PERSON HELPING YOU MUST NOT TELL</p>	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

ANYONE HOW YOU HAVE VOTED.

YOU MUST SIGN THE POSTAL VOTING STATEMENT (UNLESS YOU HAVE BEEN GRANTED A WAIVER BY PRIOR ARRANGEMENT WITH THE COUNTING OFFICER) AND PROVIDE YOUR DATE OF BIRTH. THIS IS A SECURITY MEASURE. IT WILL NOT AFFECT YOUR VOTE OR MEAN IT CAN BE IDENTIFIED. WITHOUT YOUR SIGNATURE (UNLESS A WAIVER HAS BEEN GRANTED), AND DATE OF BIRTH, THE STATEMENT WILL NOT BE VALID AND YOUR VOTE WILL NOT BE COUNTED. THE COUNTING OFFICER CAN CROSS CHECK YOUR SIGNATURE AGAINST OTHER RECORDS THEY HOLD.

IF YOU LOSE OR ACCIDENTALLY SPOIL THE POSTAL BALLOT PAPER, PLEASE CALL THE HELPLINE NUMBER BELOW AS SOON AS POSSIBLE. WE CAN ONLY ISSUE REPLACEMENT POSTAL BALLOT PAPERS BEFORE 5PM ON [DAY/DATE OF POLL].

COMPLETE AND RETURN THE POSTAL VOTE AS SOON AS POSSIBLE. THE COUNTING OFFICER MUST RECEIVE THE POSTAL VOTE BY 10PM ON [DAY/DATE OF POLL]. YOU CAN DELIVER YOUR COMPLETED VOTING PAPERS TO ANY POLLING STATION IN YOUR VOTING AREA.

IF YOU WANT TO VOTE IN PERSON AS A PROXY AT THIS REFERENDUM, YOU MUST CANCEL YOUR POSTAL VOTE BEFORE 5PM ON [-11 DAY/DATE OF DEADLINE].

IT IS ILLEGAL TO DO ANY OF THE FOLLOWING:

- VOTE MORE THAN ONCE (UNLESS YOU ARE APPOINTED AS A PROXY FOR ANOTHER PERSON) AT THE SAME REFERENDUM.
- VOTE AS A PROXY AT THE SAME REFERENDUM FOR MORE THAN TWO 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: [HELPLINE NUMBER].

ISSUED BY THE COUNTING OFFICER

[WHERE POLL CARD SENT TO THE PROXY OF A PERSON WITH AN ANONYMOUS ENTRY IN THE REGISTER SUBSTITUTE FOR THE PARAGRAPHS MARKED WITH * ABOVE—

THIS POLL CARD IS TO TELL YOU THAT FOR THIS REFERENDUM YOU ARE APPOINTED AS PROXY FOR THE PERSON WHOSE NUMBER ON THE REGISTER IS SHOWN BELOW AND YOU HAVE DECIDED TO VOTE BY POST.

YOU ARE ENTITLED TO VOTE AS PROXY FOR THE VOTER WHOSE NUMBER ON THE REGISTER IS SHOWN BELOW:

.....
(PERSON'S NUMBER ON REGISTER)

Form of directions for the guidance of the voters and proxies in voting

GUIDANCE FOR VOTERS AND PROXIES

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 answer of your choice.
3. Vote ONCE only. Put no other mark on the ballot paper, or your vote may not be counted.
4. Fold the ballot paper 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.
5. Put the ballot paper in the ballot box and leave the polling station.
6. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Conduct of Referendums)(England) Regulations 2012 No. 323

Form of Certificate of Employment
LOCAL GOVERNMENT ACT REFERENDUM

VOTING AREA OF

I certify that (name).....who is numbered in the register of electors for the voting area named above cannot reasonably be expected to go in person to the polling station allotted to him or her at the referendum [*date of poll*] by reason of the particular circumstances of his or her employment on that date for a purpose connected with the referendum –

* (a) as a constable

* (b) by me

Signature

* Counting Officer/Police Officer (Inspector or above)

Date

* Delete whichever is inappropriate

Note:- The person named above is entitled to vote at any polling station of the above voting area on production and surrender of this certificate to the presiding officer.

Form of declaration to be made by the companion of a voter or proxy with disabilities

I, (name of companion), of
(address of companion) having been requested to assist (*name of voter or proxy) [in the case of a proxy with disabilities, add voting as proxy for (*name of voter)] whose number on the register is to record their vote at the referendum now being held in this voting area, hereby declare that-

- I am entitled to vote on my own behalf at the said referendum
- I am the(relationship of the companion to the voter or proxy) of the said voter or proxy and have attained the age of 18 years, and
- I have not previously assisted any other voter with disabilities [except..... (name of other voter or proxy), of (address of other voter or proxy) or if anonymous voter substitute "the person whose number is..... on the register".] to vote at the said referendum.

**Where the declaration is made in relation to a voter, or a proxy of a voter with an anonymous entry in the register, substitute the name of voter with "the person".*

Signed (Companion)
Date

I, the undersigned, being the presiding officer for (polling station) for the voting area of hereby certify that the above declaration, having been first read to the above-named companion, was signed by the companion in my presence.

Signed (Presiding Officer)
Date
Time (am/pm)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he or she will be guilty of an offence.
2. A voter or proxy with disabilities is a person who has made a declaration under the Local Government Act Referendums Rules that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote without assistance.