

SCHEDULES

SCHEDULE 1

AMENDMENTS

PART 5

CONDUCT OF ELECTIONS

THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962

- 55 The Electoral Law Act (Northern Ireland) 1962 (C. 14) is amended in accordance with paragraphs 56 to 68.

Attendance at election proceedings

- 56 In Schedule 5 (local elections rules), in rule 9 (right to attend nomination)—
- (a) in paragraph (1), after paragraph (b) insert “or
 - (c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties, Elections and Referendums Act 2000,”;
 - (b) after paragraph (3) insert—
 - “(4) Paragraph (3) does not apply to a person mentioned in paragraph (1)(c).”
- 57 In rule 29 of that Schedule (admission to polling station) for paragraph (1) substitute—
- “(1) The presiding officer shall exclude all persons from the polling station except—
 - (a) voters;
 - (b) persons under the age of 18 who accompany voters to the polling station;
 - (c) the candidates and their election agents;
 - (d) the polling agents appointed to attend at the polling station;
 - (e) the clerks appointed to attend at the polling station;
 - (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
 - (g) the constables on duty; and
 - (h) the companions of voters with disabilities.

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(1A) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.”

58 In rule 44 of that Schedule (attendance at counting of votes) in paragraph (1), after sub-paragraph (e) insert—

“(f) a person who is entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.”

Identifying marks and security markings on ballot papers etc.

59 (1) Rule 16 of that Schedule (ballot papers) is amended as follows.

(2) In paragraph (2)(c) after “number” insert “and other unique identifying mark”.

(3) In paragraph (2)(d) after “number” insert “and other unique identifying mark”.

60 (1) Rule 17 of that Schedule (the official mark) is amended as follows.

(2) For paragraph (1) substitute—

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

(3) For paragraph (3) substitute—

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

61 (1) The Appendix of forms of that Schedule is amended as follows.

(2) In the Form of Front of Ballot Paper omit “Counterfoil No. The counterfoil is to have a number to correspond with that on the back of the ballot paper”.

(3) In the Directions as to printing the ballot paper omit paragraph 3(e).

(4) In the Declaration of identity Front of form omit “Ballot Paper No”.

(5) In the Directions for the guidance of voters in voting—

(a) omit paragraph 1;

(b) in paragraph 6 omit “holding the paper so that the presiding officer can see the official mark on the back of it”.

62 (1) Paragraph 27 of Schedule 9 (electoral misdemeanours) is amended as follows.

(2) In sub-paragraph (2)(a) after “number” insert “or other unique identifying mark”.

(3) In sub-paragraph (3)(c) after “number” insert “or other unique identifying mark”.

(4) In sub-paragraph (4)(b) and (c) after “number” insert “or other unique identifying mark”.

Tendered votes in certain circumstances

63 (1) In rule 37 of Schedule 5 (tendered ballot papers) after paragraph (1) insert—

“(1A) Paragraph (1C) applies if —

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- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as a person entitled to vote by post, and
- (c) he claims that he did not make an application to vote by post at the election.

(1B) Paragraph (1C) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy, and
- (c) he claims that he did not make an application to vote by post as proxy.

(1C) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.”

(2) After paragraph (1C) of that rule (inserted by sub-paragraph (1) above) insert—

“(1D) Paragraph (1E) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register who is also named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to that Order as a person entitled to vote by post, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy,

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

(1E) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.”

64 In rule 32 of that Schedule (questions to be put to voters) after paragraph (1A) insert—

“(1B) In the case of a person applying as an elector who is named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as a person entitled to vote by post, the presiding officer may put either or both of the following additional questions—

- (a) “Did you apply to vote by post?”;
- (b) “Why have you not voted by post?”.

(1C) In the case of a person applying as proxy who is named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order

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as a person entitled to vote by post as proxy, the presiding officer may put either or both of the following additional questions—

- (a) “Did you apply to vote by post as proxy?”;
- (b) “Why have you not voted by post as proxy?”.

Assistance for persons with disabilities

- 65 In rule 35 of Schedule 5 (votes marked by presiding officer)—
- (a) in paragraph (1)(a) for “physical cause” substitute “disability”;
 - (b) after paragraph (5) insert—
 - “(6) In this rule and in rule 36, reference to disability, in relation to voting, includes a short term inability to vote.”
- 66 In rule 36 of that Schedule (voting by persons with disabilities), in paragraph (1)—
- (a) in sub-paragraph (a) for “physical incapacity” substitute “disability”;
 - (b) for “other incapacity” substitute “other disability”.
- 67 In rule 41 of that Schedule (procedure on close of poll), in paragraph (1)(f) for ““physical incapacity”” substitute ““disability””.
- 68 In the Appendix of Forms in that Schedule, in Note number 2 to the Form of declaration to be made by the companion of a voter with disabilities for “incapacity” substitute “disability”.

THE 1983 ACT

- 69 The 1983 Act is amended in accordance with paragraphs 70 to 96.

Official poll cards

- 70 (1) Rule 28 of Schedule 1 (issue of official poll cards) is amended as follows.
- (2) For paragraph (1) substitute—
- “(1) The returning officer shall as soon as practicable after the publication of notice of the election send to electors and their proxies an official poll card.
 - (1A) An official poll card shall not be sent to a person registered, or to be registered, in pursuance of an overseas elector’s declaration.”
- (3) In paragraph (3) after sub-paragraph (c) insert—
- “(d) such other information as is prescribed;
 - (e) such other information as the returning officer thinks appropriate,
- and different information may be provided in pursuance of sub-paragraph (d) and (e) to different electors or descriptions of elector.”

Election expenses

- 71 In section 76(1B) (limitation of election expenses) for “above” (in both places) substitute “below”.

Postal voting statement

- 72 In section 65 (tampering with nomination papers, ballot papers etc.) in subsection (1)(b) after “or any” insert “postal voting statement or”.
- 73 (1) Rule 45 of Schedule 1 (the count at parliamentary elections) is amended as follows.
- (2) In paragraph (1B)(b)—
- (a) for “the declaration of identity” substitute “the postal voting statement”;
- (b) omit the words “and authenticated”.
- (3) In paragraph (1B)—
- (a) omit “and” after paragraph (a);
- (b) after sub-paragraph (b) insert—
- “(c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed, the returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).”

Questions to be put to voters

- 74 For rule 35 of that Schedule (questions to be put to voters) substitute—
- “35 (1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—
- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
- (b) shall be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put:

<i>Person applying for ballot paper</i>	<i>Questions</i>
1 A person applying as an elector.	(a) “Are you the person registered in the register of parliamentary electors for this election as follows (<i>read out the whole entry from the register</i>)?” [R] (b) “Have you already voted, here or elsewhere, at this election, otherwise than as proxy for some other person?” [R] (c) At an election held in Northern Ireland, “What is your date of birth?”
2 A person applying as proxy.	(a) “Are you the person whose name appears as A.B.

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<i>Person applying for ballot paper</i>	<i>Questions</i>
	<p>in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?” [R]</p> <p>(b) “Have you already voted here or elsewhere at this election, as proxy on behalf of C.D.?” [R]</p> <p>(c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C.D.?” [R]</p>
<p>3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2 above).</p>	<p>(a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)?” [R]</p> <p>(b) “Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)?” [R]</p> <p>(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 from the register</i>)?” [R]</p>
<p>4 Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative.</p>	<p>“Have you at this election already voted in this constituency on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild?” [R]</p>
<p>5 A person applying as an elector in relation to whom there is an entry in the postal voters list.</p>	<p>(a) “Did you apply to vote by post?”</p> <p>(b) “Why have you not voted by post?”</p>
<p>6 A person applying as proxy who is named in the proxy postal voters list.</p>	<p>(a) “Did you apply to vote by post as proxy?”</p> <p>(b) “Why have you not voted by post as proxy?”</p>

Status: This is the original version (as it was originally enacted).

- (2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under section 13B(3B) or (3D).
- (3) A ballot paper shall not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.
- (4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.”

Voting procedure

75 (1) For rule 37 of that Schedule (voting procedure) substitute—

- “37 (1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—
- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors shall be called out;
 - (b) the number of the elector shall be marked on the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be issued to him;
 - (c) a mark shall be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received;
 - (d) the voter shall sign the list mentioned in rule 29(3)(e) beside the number of the elector marked on the list in accordance with sub-paragraph (b) above; and
 - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.
- (2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).
- (3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), paragraph (1) above 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 this Act”;
 - (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of this Act”.
- (4) Paragraph (1)(d) above does not apply to a voter to whom rule 38 or 39 applies.

Status: This is the original version (as it was originally enacted).

- (5) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.
- (6) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.”

(2) This paragraph does not extend to Northern Ireland.

Assistance for persons with disabilities

- 76 In section 202 (general provisions as to interpretation), in subsection (1) after the definition of “Common Council” insert—
- ““disability”, in relation to doing a thing, includes a short term inability to do it;”.
- 77 In rule 38 of Schedule 1 (votes marked by presiding officer), in paragraph (1)(a) for “physical cause” substitute “disability”.
- 78 In rule 39 of that Schedule (voting by persons with disabilities), in paragraph (1)—
- (a) in sub-paragraph (a) for “physical incapacity” substitute “disability”;
- (b) for “other incapacity” substitute “other disability”.
- 79 In rule 43 of that Schedule (procedure on close of poll), in paragraph (1)(f) for ““physical incapacity”” substitute ““disability””.
- 80 In the Appendix of Forms in that Schedule, in Note number 2 to the Form of declaration to be made by the companion of a voter with disabilities for “incapacity” substitute “disability”.

Tendered ballot papers

- 81 (1) Rule 40 of that Schedule (tendered ballot papers) is amended as follows.
- (2) After paragraph (1ZE) (inserted by section 38(2)) insert—
- “(1ZF) A person to whom a ballot paper is not delivered under paragraph (3) of rule 35 following his unsatisfactory answer to the question at entry 1(c) in the table in paragraph (1) of that rule shall, if he satisfactorily answers any other questions permitted by law to be asked at the poll, nevertheless be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.”
- (3) In paragraph (3) at the end insert “and the voter must sign the list opposite the entry relating to him”.

Attendance at election proceedings

- 82 In section 66(1) (requirement of secrecy) after paragraph (b) insert—
- “(c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,”.

Status: This is the original version (as it was originally enacted).

- 83 (1) Rule 11 of Schedule 1 (right to attend nomination) is amended as follows.
- (2) In paragraph (1), after sub-paragraph (b) insert “or
- (c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties, Elections and Referendums Act 2000,”.
- (3) After paragraph (3) insert—
- “(3A) Paragraph (3) does not apply to a person mentioned in paragraph (1)(c).”
- (4) In paragraph (4) for “A candidate’s spouse or civil partner” substitute “One other person chosen by the candidate”.
- 84 In rule 32 of that Schedule (admission to polling station) for paragraph (1) substitute—
- “(1) The presiding officer shall exclude all persons from the polling station except—
- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and their election agents;
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
- (g) the constables on duty; and
- (h) the companions of voters with disabilities.
- (1A) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.”
- 85 (1) Rule 44 of that Schedule (attendance at counting of votes) is amended as follows.
- (2) In paragraph (2)(b) for “their spouses or civil partners” substitute “one other person chosen by each of them”.
- (3) After paragraph (2)(d) insert—
- “(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.”

Identifying marks and security markings on ballot papers etc.

- 86 In section 66 (requirement of secrecy), in each of the following provisions, after “number” insert “or other unique identifying mark”—
- (a) subsection (2)(a);
- (b) subsection (3)(c);
- (c) subsection (4)(b) and (c);
- (d) subsection (5).
- 87 In rule 19 of Schedule 1 (ballot papers at parliamentary elections), in paragraph (2) (c) after “number” insert “and other unique identifying mark”.

Status: This is the original version (as it was originally enacted).

- 88 (1) Rule 20 of that Schedule (the official mark at parliamentary elections) is amended as follows.
- (2) For paragraph (1) substitute—
- “(1) Every ballot paper must contain an appropriate security marking (the official mark).”
- (3) For paragraph (3) substitute—
- “(3) The returning officer may use a different official mark for different purposes at the same election.”
- 89 In rule 29 of that Schedule (equipment of polling stations at parliamentary elections), in paragraph (3), sub-paragraph (b) is omitted.
- 90 (1) Rule 37 of that Schedule (voting procedure at parliamentary elections) is amended as follows.
- (2) In paragraph (1)—
- (a) sub-paragraph (a) is omitted;
- (b) in sub-paragraph (c) for “the counterfoil” substitute “the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be issued to him”.
- (3) In paragraph (2) for “the official mark” substitute “the number and other unique identifying mark”.
- (4) This paragraph extends only to Northern Ireland.
- 91 In rule 45 of that Schedule (the count), in paragraph (4) after “numbers” insert “or other unique identifying marks”.
- 92 In rule 47 of that Schedule (rejected ballot papers at parliamentary elections), in paragraph (1)(c) after “number” insert “and other unique identifying mark”.
- 93 (1) The Appendix of forms in that Schedule is amended as follows.
- (2) In the Directions as to printing the ballot paper, for paragraph 4 substitute—
- “4 The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.”
- (3) For the Form of directions for the guidance of the voters in voting substitute—

“Form of directions for the guidance of the voters in voting

GUIDANCE FOR VOTERS

- 1 When you are given a ballot paper go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.
- 2 Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted. Do not let anyone see your vote.
- 3 Fold the ballot paper in two. Show the back of the ballot paper to the presiding officer so as to disclose the number and other unique identifying mark. Put the ballot paper in the ballot box and leave the polling station.

- 4 If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”

Cancellation of postal ballot papers

- 94 In Schedule 2 (provisions which may be contained in regulations as to registration etc), in paragraph 12 after sub-paragraph (a) insert—
 “(aa) authorising the cancellation or removal of ballot papers in any prescribed circumstances;”.

Control of documents after parliamentary election: Northern Ireland

- 95 (1) Schedule 1 (parliamentary elections rules) is amended as follows.
- (2) In rule 55 (delivery of documents after poll) after paragraph (1A) (inserted by section 41(3)(b)) insert—
 “(1B) Paragraph (1)(e) does not apply to an election for a constituency in Northern Ireland, but the returning officer shall endorse on each packet containing—
 (a) marked copies of the registers,
 (b) the postal voters list,
 (c) the proxy postal voters list, and
 (d) lists of proxies,
 a description of its contents, the date of the election to which it relates and the name of the constituency for which the election was held.”
- (3) In rule 57 (retention and public inspection of documents) after paragraph (1) insert—
 “(1A) The Chief Electoral Officer for Northern Ireland shall retain for a year the documents mentioned in rule 55(1B), and then, unless otherwise directed by order of the House of Commons or the High Court, shall cause them to be destroyed.”
- (4) This paragraph extends only to Northern Ireland.

Local government elections in Scotland

- 96 The amendments made by paragraphs 72, 86 and 94 do not apply to a local government election in Scotland.