

2000 No. 208

**LONDON GOVERNMENT
REPRESENTATION OF THE PEOPLE**

**The Greater London Authority
Elections Rules 2000**

Made - - - - *1st February 2000*

Laid before Parliament *8th February 2000*

Coming into force *29th February 2000*

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[DETR 1714]

The Secretary of State, in exercise of the powers conferred on him by sections 36(2), (2A) and (2B) of the Representation of the People Act 1983(a), and of all other powers enabling him in that behalf, hereby makes the following Rules:

Citation and commencement

1.—(1) These Rules may be cited as the Greater London Authority Elections Rules 2000.

(2) These Rules shall come into force on 29th February 2000.

Interpretation

2.—(1) In these Rules—

“the 1983 Act” means the Representation of the People Act 1983;

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

“the Constituency Members Election Rules” means the Rules in Schedule 1;

“the London Members Election Rules” means the Rules in Schedule 2;

“the Mayoral Election Rules” means the Rules in Schedule 3;

“the Ordinary Elections Rules” means the Rules in Schedule 4;

“GLA election” means an election held under one or more of—

- (a) the Constituency Members Election Rules;
- (b) the London Members Election Rules;
- (c) the Mayoral Election Rules; and
- (d) the Ordinary Elections Rules.

(2) Other expressions used both in any of rules 3 to 8 of these Rules and in Part I (the Greater London Authority) of the 1999 Act have the same meaning in those rules as they have in that Part(c).

Rules for Greater London Authority elections

3.—(1) The Constituency Members Election Rules shall have effect for the purposes of the election of constituency members of the London Assembly (whether at an ordinary election or in the circumstances mentioned in section 10 (filling a vacancy in an Assembly constituency) of the 1999 Act); but where the election is an ordinary election, those Rules shall have effect subject to the Ordinary Elections Rules.

(2) The London Members Election Rules, with the exception of Part VII, shall have effect for the purposes of the allocation of seats for London members of the London Assembly at any ordinary election; and Part VII of those Rules shall have effect for the purposes of section 11 (filling a vacancy among the London members) of the 1999 Act; but where the election is an ordinary election, those Rules shall have effect subject to the Ordinary Elections Rules.

(3) The Mayoral Election Rules shall have effect for the purposes of—

- (a) the election of the Mayor of London; and
- (b) any election under subsection (2) of section 16 (filling a vacancy in the office of Mayor(d)) of the 1999 Act,

but where the election is an ordinary election, those Rules shall have effect subject to the Ordinary Elections Rules.

(a) 1983 c.2. Subsections (2A) and (2B) were inserted by the Greater London Authority Act 1999 (c.29), Schedule 3, paragraph 4(2).

(b) S.I. 1986/2214, to which (except as expressly indicated in these Rules) there are amendments not relevant to these Rules.

(c) That is the Greater London Authority Act 1999 (c.29). See section 203(1) of the Representation of the People Act 1983 as amended by the Greater London Authority Act 1999, Schedule 3, paragraph 39(2). For other definitions which are relevant by virtue of section 11 of the Interpretation Act 1978 (c.30), see sections 202 and 203 of the Representation of the People Act 1983, amended by the Greater London Authority Act 1999, Schedule 3, paragraphs 38 and 39.

(d) See also section 16(9) of the Greater London Authority Act 1999 for the circumstances in which a vacancy in the office of Mayor is to be left unfilled.

Forms

4. Schedule 5 (forms) shall have effect for the purposes of the Constituency Members Election Rules, the London Members Election Rules and the Mayoral Election Rules (including, where the election is an ordinary election, those Rules as read with the Ordinary Elections Rules).

Returning officers: duties at ordinary elections

5.—(1) At the first ordinary election it shall be the duty—

- (a) of the person, or person of the description, designated by order under subsection (4) of section 3 (ordinary elections) of the 1999 Act as the returning officer at the election of the Mayor and the election of the London members; and
- (b) constituency returning officers^(a),

to co-operate with each other in the discharge of their functions.

(2) At any other ordinary election it shall be the duty of returning officers at that election^(b) to co-operate with each other in the discharge of their functions.

(3) Where, at an ordinary election, a poll is to be taken—

- (a) for the return of the London members; or
- (b) for the return of the Mayor,

it shall be the duty of constituency returning officers to take, and verify the ballot papers at, the poll (or each poll if both are to be taken) and to count the votes cast in that poll (or each poll, if both are to be taken).

(4) Without prejudice to paragraphs (1) and (2)—

- (a) at the first ordinary election, the person referred to in paragraph (1)(a) may give to constituency returning officers; and
- (b) at any other ordinary election, the Greater London returning officer^(c) may give to constituency returning officers,

directions relating to the discharge of their functions in respect of the verification of ballot papers and the counting of votes at that election.

(5) It shall be the duty of each person to whom directions are given under paragraph (4) to discharge his functions at the election in accordance with the directions.

Electronic counting of votes

6.—(1) Where some or all of the votes cast at an ordinary election or an election under subsection (2) of section 16 (filling a vacancy in the office of Mayor) of the Act are to be counted by electronic means, the Constituency Members Election Rules, the London Members Election Rules and the Mayoral Election Rules shall have effect subject to the modifications set out in Schedule 6.

(2) In any case to which paragraph (1) applies, rule 5 of these Rules shall have effect as if any reference to the counting of votes, in whatever terms, included a reference to counting by electronic means.

Amendment of the Local Elections (Principal Areas) Rules 1986

7. The 1986 Rules are amended, in paragraph 14 of Schedule 4, in the inserted paragraph (1A) of rule 37, by the insertion, after “as the case may be,” of “an election under the Greater London Authority Elections Rules 2000.”

Combination of polls

8.—(1) Where the poll at an election of a councillor of the council of a London borough is taken together with the poll at a GLA election, the 1986 Rules shall have effect subject to the modifications set out in Schedule 7 to these Rules.

(a) See the definition in section 29 of the Greater London Authority Act 1999.

(b) See section 35(2B) and (2C) of the Representation of the People Act, inserted by the Greater London Authority Act 1999, Schedule 3, paragraph 3.

(c) See the definition in section 29 of the Greater London Authority Act 1999.

(2) Subject to paragraph (3), where the poll at a GLA election is taken together with the poll at a parliamentary or European Parliamentary election, or at an election of a councillor of the council of a London borough, Schedules 1, 2 and 3 shall have effect subject to the modifications specified in the Table in Schedule 8 (in addition to the modifications specified in Schedule 4, in any case where the election is an ordinary election, and the modifications specified in Schedule 6, in any case where votes are to be counted by electronic means).

(3) The first modification in the Table in Schedule 8 applies only where the poll at a GLA election is taken together with the poll at a parliamentary or European Parliamentary election.

(4) Where the poll at a GLA election is combined as mentioned in paragraph (1) or (2)—

- (a) the ballot papers to be used at each election shall be of a different colour; and
- (b) a separate ballot box shall be used for each election.

Signed by authority of the Secretary of State
for the Environment, Transport and Regions

Keith Hill
Parliamentary under Secretary of State,
Department of the Environment,
Transport and the Regions

1st February 2000

**THE CONSTITUENCY MEMBERS
ELECTION RULES**

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PART I

General Provisions

Citation

1. These Rules may be cited as the Constituency Members Election Rules.

Interpretation

- 2.—(1) In these Rules, unless the context indicates otherwise—
 - “the 1983 Act” means the Representation of the People Act 1983(a);
 - “the 1999 Act” means the Greater London Authority Act 1999;
 - “the appropriate form”, in relation to a particular rule, means the form set out in the Forms Schedule and indicated as applicable to that rule or, where more than one form is so set out, the form indicated as relevant to the particular case;
 - “constituency” means an Assembly constituency (b);
 - “constituency member” means a member for a constituency;
 - “CRO” (constituency returning officer), in relation to a constituency and an election means the person, or a person of the description, for the time being designated by order under section 35(2B) of the 1983 Act as the returning officer at the election of a constituency member for that constituency(c);
 - “election” means an election of a constituency member of the London Assembly;
 - “the Forms Schedule” means Schedule 5 to the Greater London Authority Elections Rules 2000;
 - “GLRO” (Greater London returning officer)—
 - (a) in relation to the first ordinary election, means the person, or a person of the description, designated by order under section 3(4) of the 1999 Act as the returning officer at the elections of the Mayor and of the London members;
 - (b) in relation to any other election, means the proper officer of the Greater London Authority(d).
- (2) References in these Rules—
 - (a) to the CRO include references to any person appointed by him under subsection (4) of section 35 (returning officers: local elections in England and Wales) of the 1983 Act(e); and
 - (b) to the GLRO include references to any person appointed by him under that subsection.

PART II

Provisions As To Time

Timetable

- 3.—(1) Subject to paragraph (2), the proceedings at the election shall be conducted in accordance with the following Timetable:

| <i>Proceeding</i> | <i>Time</i> |
|-----------------------------------|--|
| Publication of notice of election | Not later than the twenty-fifth day before the day of election |

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- (a) 1983 c.2. Relevant amendments are made by Schedule 3 to the Greater London Authority Act 1999 (c.29).
 - (b) See S.I. 1999/3380.
 - (c) Section 35(2B) was inserted by the Greater London Authority Act 1999, Schedule 3, paragraph 3.
 - (d) See the definitions of “proper officer” in section 202 of the Representation of the People Act 1983, as substituted by the Greater London Authority Act 1999, Schedule 3, paragraph 38, and in section 412(1) of the latter Act. See also the definition of “Greater London returning officer” in section 29 of the latter Act.
 - (e) Relevant amendments are made by the Greater London Authority Act 1999, Schedule 3, paragraph 3.

| | |
|--|--|
| Delivery of nomination papers | Not later than noon on the nineteenth day before the day of election |
| Publication of statement as to persons nominated | Not later than noon on the seventeenth day before the day of election |
| Delivery of notices of withdrawal of candidature | Not later than noon on the sixteenth day before the day of election |
| Notice of poll | Not later than the sixth day before the day of election |
| Polling | Between the hours of 8 in the morning and 9 at night on the day of election. |

(2) At the first ordinary election, the time for polling shall be between the hours of 7 in the morning and 9 at night on the day of the election.

Computation of time

4.—(1) In computing any period of time for the purposes of the Timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971^(a) in England and Wales.

PART III

Stages Common To Contested And Uncontested elections

Notice of election

5.—(1) The CRO shall publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice shall state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election shall state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the electoral registration officer in order that they may be effective for the election.

Nomination of candidates and nomination papers

6.—(1) Each candidate shall be nominated by a separate nomination paper, in the appropriate form, delivered at the place fixed for the purpose by the CRO, which shall be at the offices of a local authority within the constituency.

(2) The nomination paper shall state the candidate’s—

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

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

(a) 1971 c.80.

(3) The description, if any, shall not exceed six words in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

(4) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the CRO before the last time for the delivery of nomination papers.

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (4) on behalf of a registered political party's nominating officer.

(6) In the application of this rule in relation to an election "registered political party" means a party which was registered under the Registration of Political Parties Act 1998^(a) at the time by which the notice of election is required to be published.

Consent to nomination

7. A person shall not be validly nominated unless his consent to nomination—

- (a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
- (b) is attested by one witness, whose full names and address are given; and
- (c) is delivered at the place and within the time for delivery of nomination papers.

Deposits

8.—(1) A person shall not be validly nominated unless the sum of £1,000 is deposited by him or on his behalf with the CRO at the place and within the time for delivery of nomination papers.

(2) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker's draft, or
- (c) with the CRO's consent, in any other manner,

but the CRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit shall at the time he makes it give his name and address to the CRO (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

Decisions as to validity of nomination papers

9.—(1) Where a nomination paper and the candidate's consent to it are delivered in accordance with this Part of these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the CRO decides that the nomination paper is invalid, or
- (b) proof is given to the CRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The CRO is entitled to hold a nomination paper invalid only on the grounds either—

- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law; or
- (b) that the paper is not subscribed as so required.

(a) 1998 c.48.

(3) As soon as practicable after each nomination paper has been delivered, the CRO shall examine it and decide whether the candidate has been validly nominated.

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

(5) The CRO shall, as soon as practicable after making such a decision as is mentioned in paragraph (4), send notice of it to the candidate at his home address as given in his nomination paper.

(6) The CRO's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

10.—(1) The CRO shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

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

(4) In the case of a person nominated by more than one nomination paper, the CRO shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the CRO in default of the candidate) may select.

Inspection of nomination papers and consent to nomination

11. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal of candidates

12.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address shall be given; and
- (b) delivered to the CRO at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

13.—(1) If the number of persons remaining validly nominated for the constituency after any withdrawals under this Part exceeds one, a poll shall be taken in accordance with Part IV of these Rules.

(2) If, after any withdrawals under this Part, only one person remains validly nominated for the constituency, that person shall be declared to be elected in accordance with Part V.

PART IV

Contested Elections—General

Poll to be taken by ballot

14. The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate, and the candidate to whom more votes have been given than to the other candidates shall be declared to have been elected.

The ballot papers

15.—(1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated for the constituency after any withdrawals under Part III, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the appropriate form, and shall be printed in accordance with the directions in the Forms Schedule, and—

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

(3) If a candidate who is the subject of a party's authorisation under rule 6(4) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The request must—

- (a) be made in writing to the CRO, and
- (b) be received by him within the period for delivery of nomination papers set out in the Timetable in rule 3.

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

The official mark

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

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at any Authority election.

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

Prohibition of disclosure of vote

17. No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

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

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

(2) The CRO shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

(3) The use of a room in an unoccupied hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

Notice of poll

19.—(1) The CRO shall publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated).

(2) The CRO shall, not later than the time of the publication of the notice of the poll, also give public notice of—

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

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

Postal ballot papers

20. The CRO shall as soon as practicable send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity in the appropriate form, or a form to the like effect, together with an envelope for their return.

Provision of polling stations

21.—(1) The CRO shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

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

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the constituency shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the constituency.

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

Appointment of presiding officers and clerks

22.—(1) The CRO shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.

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

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

Issue of official poll cards

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

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if he is entitled to vote by post as proxy at the election.

(2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

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

- (a) the name of the Assembly constituency for which a constituency member is to be elected;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station.

Equipment of polling stations

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

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

(3) The CRO shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors for the constituency or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors for the constituency or the part of it provided under subparagraph (c).

(4) Notices in the appropriate forms, for the guidance of voters, shall be exhibited—

- (a) inside and outside every polling station,
- (b) in every polling station, and
- (c) in every compartment of every polling station.

Appointment of polling and counting agents

25.—(1) Subject to paragraphs (3) and (4), each candidate may, before the commencement of the poll, appoint—

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

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

(3) Not more than four polling agents, or such greater number as the CRO may by notice allow, shall be permitted to attend at any particular polling station and if the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO shall determine by lot which agents are permitted to attend, and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(4) The CRO may limit the number of counting agents, but in doing so shall ensure that—

- (a) the number is the same in the case of each candidate; and
- (b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(5) For the purposes of the calculations required by paragraph (4), a counting agent who has been appointed by more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(6) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the CRO and shall be so given not later than the fifth day (computed like any period of time in the Timetable) before the day of the poll.

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

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

(9) In the following provisions of this Part references to polling agents and counting agents shall be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted numbers.

(10) Any notice required to be given to a counting agent by the CRO may be delivered at, or sent by post to, the address stated in the notice of appointment.

(11) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(12) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.

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

Notification of requirement of secrecy

26. The CRO shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending a polling station (otherwise than for the purpose of voting or assisting a blind voter to vote or as a constable on duty there) has been given a copy of the provisions of subsections (1), (3) and (6) of section 66(a) of the 1983 Act; 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 of the provisions of subsections (2) and (6) of that section.

Admission to polling station

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

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty; and
- (e) the companions of blind voters.

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

(3) A constable or person employed by the CRO shall not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules,

(a) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

except on production and surrender of a certificate as to his employment which shall be in the appropriate form and signed by an officer of the police of or above the rank of inspector or by the CRO, as the case may be.

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

Keeping of order in station

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

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

(a) by a constable in or near that station, or

(b) by any other person authorised in writing by the CRO to remove him,

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

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

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

Sealing of ballot boxes

29. Immediately before the commencement of the poll, the presiding officer shall—

(a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty;

(b) lock up such of the boxes as have locks;

(c) place his seal—

(i) on each lock; and

(ii) on each ballot box which has no lock,

in such a manner as to prevent its being opened without breaking the seal;

(d) place each box in his view for the receipt of ballot papers; and

(e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

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

(a) in the case of a person applying as an elector—

(i) "Are you the person registered in the register of local government electors for this election as follows?" (*read the whole entry from the register*)

(ii) "Have you already voted at this election otherwise than as proxy for some other person?"

(b) in the case of a person applying as proxy—

(i) "Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?"

(ii) "Have you already voted at this election as proxy on behalf of C.D.?"

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

"Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?"

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

"Have you already voted at this election on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?"

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

(4) Unless authorised by paragraph (1) or (2), no inquiry shall be permitted as to the right of any person to vote.

Challenge of voter

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

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

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

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

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

Voting procedure

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

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

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

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

Votes marked by presiding officer

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

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

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

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

(3) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

Voting by blind persons

34.—(1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as “the companion”), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a blind voter”) that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one blind person to vote at the election,

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

(3) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—

- (a) a person who is entitled to vote as an elector at the election; or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of 18 years.

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

(5) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(6) The declaration made by the companion—

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

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

Tendered ballot papers

35.—(1) If a person, representing himself to be—

- (a) a particular elector named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

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

(2) A tendered ballot paper shall—

- (a) be of a colour different from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

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

(4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name shall be the number of that elector.

Spoilt ballot papers

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

Adjournment of poll in case of riot

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

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

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

(3) As soon as practicable after being informed of the adjournment of a poll, the CRO shall inform the GLRO of that fact and of the cause of its adjournment.

Procedure on close of poll

38.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with any key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) the tendered votes list, the list of blind voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads "physical incapacity" and "unable to read", and the declarations made by the companions of blind voters,

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

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (e) shall not be combined with the contents of the packets made under the corresponding rule that applies at other Assembly elections, nor shall the statement under paragraph (4) be so combined.

(3) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(4) The packets shall be accompanied by a statement ("the ballot paper account") showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoilt ballot papers, and
- (d) tendered ballot papers.

Attendance at counting of votes

39.—(1) The CRO shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) No person other than—

- (a) the CRO and his clerks,
- (b) the candidates and their husbands or wives,
- (c) the election agents,
- (d) the counting agents,

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

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the CRO unless the CRO—

- (a) is satisfied that the efficient counting of the votes will not be impeded, and
- (b) has either consulted the candidates or thought it impracticable to do so.

(4) The CRO shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

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

The count

40.—(1) Where the election is at an ordinary election, the CRO shall—

- (a) in the presence of the counting agents appointed for the purposes of the constituency members election, the London members election and the Mayoral election, open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the election agents appointed for the purposes of those elections, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to the constituency members election from those relating to the London members election and the Mayoral election.

(2) Where the election is not at an ordinary election, the CRO shall—

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

(3) The CRO shall not count the votes given on any ballot papers until—

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

(4) A postal ballot paper is not duly returned unless it is returned in the proper envelope so as to reach the CRO before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

(5) The CRO shall not count any tendered ballot paper.

(6) The CRO, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper

precautions for preventing any person from seeing the numbers printed on the back of the papers.

(7) The CRO shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(8) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 5 in the afternoon and 10 on the following morning; and for the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

(9) During the time so excluded the CRO shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

41.—(1) Any ballot paper—

- (a) on which votes are given for more than one candidate, or
- (b) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (c) 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 void if an intention that the vote shall be for one only of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

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

(4) The CRO shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) voting for more than one candidate;
- (b) writing or mark by which the voter could be identified;
- (c) unmarked or void for uncertainty.

Decisions on ballot papers

42. The decision of the CRO on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

Re-count

43.—(1) A candidate or his election agent may, if present when the counting or any re-count of the votes is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

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

Equality of votes

44. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the CRO shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

PART V

Final Proceedings In Contested And Uncontested Elections

Declaration of result

45.—(1) In a contested election, when the result of the poll has been ascertained, the CRO shall forthwith—

- (a) declare to be elected the candidate to whom the majority of votes has been given;
- (b) return his name and, if he was the candidate of a party, the name of that party, to the GLRO; and
- (c) give public notice of the name of the successful candidate and of the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) In an uncontested election, the CRO shall as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the person remaining validly nominated;
- (b) give notice to the GLRO—
 - (i) of the name of that person; and
 - (ii) if he was a candidate of a party, of the name of the party;
- (c) give public notice of the name of the person declared to be elected.

(3) The CRO shall inform the proper officer of the Authority of the result of the election.

(4) In this rule, “candidate of a party” means a person—

- (a) who was the subject of an authorisation under rule 6(4); and
- (b) whose particulars on the ballot paper included the party’s registered emblem (if any).

Return or forfeiture of candidate’s deposit

46.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 8 shall be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit shall be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day shall be disregarded if it would be disregarded under rule 3 in computing any period of time for the purposes of the timetable for an election of the kind in question; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(5) Where a poll is taken, if, after the counting of the votes by the CRO (including any re-count) is completed, the candidate is found not to have polled more than one-twentieth of the total number of votes polled by all the candidates, the deposit shall be forfeited to the Greater London Authority.

PART VI

Disposal of Documents

Sealing up of ballot papers

47.—(1) On the completion of the counting at a contested election the CRO shall seal up in separate packets the counted and rejected ballot papers.

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

Delivery and retention of documents

48.—(1) The CRO shall then forward to the GLRO the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts, and
- (c) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

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

(2) The packets containing—

- (a) the marked copies of registers and of lists of proxies, and
- (b) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters,

shall be retained by the CRO.

Orders for production of documents

49.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the proper officer; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

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

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the GLRO 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 think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

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

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

(6) Where an order is made for the production by the GLRO of any document in his possession relating to any specified election—

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

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be *prima facie* evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(8) Unless authorised by this rule, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the GLRO or open any sealed packets of counterfoils and certificates.

Retention, public inspection and destruction of documents

50.—(1) The GLRO shall retain for six months amongst the records of the Authority all documents relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

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

(3) The CRO shall keep for six months the documents retained by him in accordance with rule 48(2) and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(4) Those documents shall, until destroyed, be open to public inspection at all reasonable hours.

(5) The GLRO and the CRO shall, on request, supply copies of or extracts from such of the documents in their possession as are open to public inspection on payment of such fees and subject to such conditions as may be determined by the Authority.

PART VII

Death Of Candidate

Countermand or abandonment of poll on death of candidate

51.—(1) If at a contested election proof is given to the CRO's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, the CRO—

- (a) shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned;
- (b) shall inform the GLRO of the countermand or abandonment of the poll and of the name of the candidate who has died.

(2) Subsection (1) of section 39 (local elections void etc. in England and Wales) of the 1983 Act^(a) shall apply in respect of any vacancy which remains unfilled as if for the reference to the returning officer there were substituted a reference to the CRO.

^(a) Subsection (1) of section 39 is amended by the Local Government Act 1985 (c.51), Schedule 17, the Representation of the People Act 1985 (c.50), section 19(2), and the Greater London Authority Act 1999, Schedule 3, paragraph 6. *See also* the definition of "local government area" in subsection (1) of section 203 of the Representation of the People Act 1983 (c.2), amended by the Greater London Authority Act 1999, Schedule 3, paragraph 39(4), and subsection (2) of that section, as substituted by paragraph 39(6) of that Schedule.

(3) Where the poll is abandoned the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the CRO of the ballot box and of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the CRO, without taking any step or further step for the counting of the ballot papers or of the votes, shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

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

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

SCHEDULE 2

Rule 3(2)

THE LONDON MEMBERS ELECTION RULES

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PART I

General Provisions

Citation

1. These Rules may be cited as the London Members Election Rules.

Interpretation

- 2.—(1) In these Rules, unless the context indicates otherwise—
 - “the 1983 Act” means the Representation of the People Act 1983**(a)**;
 - “the 1999 Act” means the Greater London Authority Act 1999;
 - “the appropriate form” in relation to a particular rule, means the form set out in the Forms Schedule and indicated as applicable to that rule; or where more than one form is so set out, the form indicated as relevant to the particular case;
 - “CRO” means a constituency returning officer within the meaning of Part I of the 1999 Act (see section 29 of that Act and section 35(2B) of the 1983 Act**(b)**);
 - “election” means an election for the return of the London members at an ordinary election;
 - “the Forms Schedule” means Schedule 5 to the Greater London Authority Elections Rules 2000;

(a) 1983 c.2. Relevant amendments are made by the Greater London Authority Act 1999 (c29), Schedule 3, paragraph 3.

(b) Section 35(2B) was inserted by the Greater London Authority Act 1999, Schedule 3, paragraph 3. *See* rule 5 of the Greater London Authority Elections Rules 1999 for particular duties of a CRO at an election for the return of the London members.

“GLRO” (Greater London returning officer)—

(a) in relation to the first ordinary election, means the person, or a person of the description, designated by order under section 3(4) of the 1999 Act as the returning officer at the election of the London members;

(b) in relation to any other election, has the same meaning as in Part I of the 1999 Act (see section 29 of that Act and section 35(2C) of the 1983 Act(a));

“individual candidate” means a candidate other than a list candidate;

“list candidate” means a person included on a party list;

“local count” means the count of the London votes given for a registered political party or, as the case may be, an individual candidate, at an election in an Assembly constituency;

“London vote” has the same meaning as in Part I of the 1999 Act(b);

“party list” means a list submitted to the GLRO in accordance with paragraph 5 (party lists and individual candidates) of Part II of Schedule 2 to the 1999 Act on behalf of a party registered under the Registration of Political Parties Act 1998(c);

“registered party”, in relation to an election, means a party which was registered under the Registration of Political Parties Act 1998 at the time by which the notice of election is required to be published.

(2) References in these Rules—

(a) to the GLRO include references to any person appointed by him under subsection (4) of section 35 (returning officers: local elections in England and Wales) of the 1983 Act(d); and

(b) to the CRO include references to any person appointed by him under that subsection.

PART II

Provisions As To Time

Timetable

3.—(1) Subject to paragraph (2), the proceedings at the election shall be conducted in accordance with the following Timetable:

| <i>Proceeding</i> | <i>Time</i> |
|--|--|
| Publication of notice of election | Not later than the twenty-fifth day before the day of election |
| Delivery of nomination papers | Not later than noon on the nineteenth day before the day of election |
| Publication of statement as to persons nominated | Not later than noon on the seventeenth day before the day of election |
| Delivery of notices of withdrawal of candidature | Not later than noon on the sixteenth day before the day of election |
| Notice of poll | Not later than the sixth day before the day of election |
| Polling | Between the hours of 8 in the morning and 9 at night on the day of election. |

(2) At the first ordinary election, the time for polling shall be between the hours of 7 in the morning and 9 at night on the day of the election.

(a) Section 35(2C) was inserted by the Greater London Authority Act 1999, Schedule 3, paragraph 3.

(b) See section 4(1)(c) of the Greater London Authority 1999.

(c) 1998 c.48.

(d) Relevant amendments are made by the Greater London Authority Act 1999, Schedule 3, paragraph 3.

Computation of time

4.—(1) In computing any period of time for the purposes of the Timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a) in England and Wales.

PART III

Stages Common To Contested And Uncontested Elections

Notice of election

5.—(1) The GLRO shall publish in each Assembly constituency notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice shall state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election shall state the date by which—

- (a) applications to vote by post or proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the electoral registration officer in order that they may be effective for the election.

Nomination of candidates and nomination papers: individual candidates

6.—(1) Each individual candidate shall be nominated by a separate nomination paper which shall be in the appropriate form.

(2) The nomination paper of an individual candidate shall state the candidate’s—

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

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

(3) The description, if any, shall not exceed six words in length, and need not refer to the candidate’s rank, profession or calling so long as, with his other particulars, it is sufficient to identify him.

(4) The nomination paper of an individual candidate may not include a description of the candidate which is likely to lead voters to associate the candidate with a registered party unless the description is authorised by a certificate—

- (a) issued by or on behalf of the party’s nominating officer, and
- (b) received by the GLRO before the last time for the delivery of nomination papers.

(5) The nomination paper of each individual candidate shall be delivered at the place fixed for the purpose by the GLRO, which—

- (a) in relation to the first ordinary election shall be at the offices of the person designated by order under section 3(4) of the 1999 Act to be the returning officer at the election;

(a) 1971 c.80.

(b) in relation to any subsequent election, shall be at the offices of the Greater London Authority.

(6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (4) on behalf of a registered party's nominating officer.

Nomination of parties and nomination papers: list candidates

7.—(1) A registered party's list of candidates to be London members^(a) shall be in the appropriate form and that party shall be nominated by the submission of that list to the GLRO in accordance with paragraph (8) by the party's nominating officer or a person authorised in writing by him.

(2) Each party list shall include the name by which the party wishes to be known for the purposes of the election; and that name need not be the party's registered name but must not be such as would be likely to lead voters to associate that party with another registered party.

(3) That name shall not comprise more than six words.

(4) Each party list shall set out the full names and home addresses in full of each candidate included in that list.

(5) Each party list shall include a statement that it is issued by the nominating officer of the party or by a person authorised in writing by him.

(6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to make the statement required by paragraph (5) on behalf of a registered party's nominating officer.

(7) Each party list may be accompanied by a request made by or on behalf of the nominating officer of the party that the ballot paper shall contain against the party's name the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(8) Each party list shall be delivered at the place fixed for the purpose by the GLRO, which—

(a) in relation to the first ordinary election shall be at the offices of the person, or person of the description, designated by order under section 3(4) of the 1999 Act to be the returning officer at the election;

(b) in relation to any subsequent election, shall be at the offices of the Greater London Authority.

(9) Where a nomination paper and list of candidates are delivered in respect of the same registered party after an earlier paper and list have been so delivered, that later paper and list shall be deemed to supersede the earlier ones.

(10) In the following provisions of these Rules, unless the context indicates otherwise—

(a) any reference to a nomination paper includes a reference to a party list; and

(b) a party list shall be treated as the nomination paper of each person whose name is included in the list.

Consent to nomination

8. A person shall not be validly nominated (whether as an individual candidate or a list candidate) unless his consent to nomination—

(a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,

(b) contains a statement that he has read whichever of sub-paragraphs (5) and (6) of paragraph 5 of Schedule 2 to the 1999 Act (persons who may not be candidates) applies in his case;

(c) is attested by one witness, whose name and address shall be given, and

(d) is delivered at the place and within the time for delivery of nomination papers.

(a) See paragraph 5(4) and (5) of Schedule 2 to the Greater London Authority Act 1999 as to other requirements relating to party lists.

Deposits

9.—(1) A person shall not be validly nominated as an individual candidate at the election for the return of the London members unless the sum of £5,000 is deposited by him or on his behalf with the GLRO at the place and during the time for delivery of nomination papers.

(2) A person shall not be validly nominated as a list candidate at such election unless, as respects the party list on which his name appears, the sum of £5,000 is deposited as mentioned in paragraph (1).

(3) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker's draft, or
- (c) with the GLRO's consent, in any other manner,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(4) Where the deposit is made on behalf of an individual candidate, the person making the deposit shall at the time he makes it give his name and address to the GLRO (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

Decisions as to validity of nomination papers

10.—(1) Where an individual candidate's nomination paper ("individual nomination paper") and his consent to it are delivered and a deposit is made in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the GLRO decides that the nomination paper is invalid, or
- (b) proof is given to the GLRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The GLRO is entitled to hold an individual nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the witness signing the paper are not as required by law; and
- (b) that the paper is not witnessed as so required.

(3) Where a party list and the consent of each candidate included in that list are delivered and a deposit is made in accordance with these Rules, that party and (subject to paragraph (5)) each candidate on its list shall be deemed to stand nominated unless and until the GLRO decides that the list is invalid.

(4) The GLRO is entitled to hold a party list invalid only on one of the following grounds—

- (a) that the name stated under paragraph (2) of rule 7 breaches that rule;
- (b) that the number of candidates on the list is greater than 25;
- (c) that the list does not contain the statement referred to in rule 7(5).

(5) Where, in respect of a candidate included in a party list—

- (a) proof is given to the GLRO's satisfaction of his death;
- (b) he withdraws or his candidature is withdrawn in accordance with rule 13;
- (c) his particulars in that list are not as required by law; or
- (d) the consent to nomination of that candidate is not delivered in accordance with rule 8,

the GLRO shall delete the name and address of that candidate from the list.

(6) As soon as practicable after each nomination paper has been delivered, the GLRO shall examine it and decide whether the individual candidate or, as the case may be, each candidate included in a party's list has been validly nominated.

- (7) where the GLRO decides—
- (a) that an individual nomination paper is invalid he shall endorse and sign on the paper the fact and the reasons for his decision;
 - (b) that a party list is invalid or the name and address of a list candidate shall be deleted from the list, he shall endorse and sign on the list that fact and the reasons for his decision.
- (8) The GLRO shall, as soon as practicable after making such a decision as is mentioned in paragraph (6) or (7), send notice of it—
- (a) to the candidate at his home address as given in his nomination paper, and
 - (b) in the case of a list candidate, also to the nominating officer.
- (9) The GLRO's decision that a nomination paper or a party list is valid shall be final and shall not be questioned in any proceeding whatsoever.
- (10) Subject to paragraph (9), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

- 11.—(1) The GLRO shall prepare and publish a statement showing—
- (a) each registered party which has been and stands nominated, together with that party's list;
 - (b) the persons who have been and stand nominated as individual candidates; and
 - (c) any other parties or persons who have been nominated, together with the reason why they no longer stand nominated.
- (2) The statement shall show, in the following order—
- (a) the registered parties which have been and stand nominated in alphabetical order with the name of the party as given in that list;
 - (b) the names and home addresses of the list candidates as given in those lists, arranged in the order in which their names appear in those lists;
 - (c) the names, addresses and descriptions of the persons standing nominated as individual candidates, arranged alphabetically in the order of their surnames and, if there are two or more of them with the same surname, of their other names.
- (3) In the case of an individual candidate nominated by more than one nomination paper, the GLRO shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the GLRO in default of the candidate) may select.

Inspection of nomination papers and consent to nomination

12. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal or death of candidate

- 13.—(1) A candidate may withdraw his candidature by notice of withdrawal—
- (a) signed by him and attested by one witness, whose name and address shall be given, and
 - (b) delivered to the GLRO at the place for delivery of nomination papers.
- (2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement

signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

(3) If, before the date appointed for the poll, proof is given to the GLRO's satisfaction that one of the persons named or to be named as an individual candidate in the ballot papers, or whose name appears on a party list, has died, then the GLRO shall inform each CRO of that fact (in addition to complying with any other requirement of these Rules relevant to that event).

Method of election

14. If, after any withdrawals under rule 13, the number of persons remaining validly nominated exceeds the number of seats available for allocation to London members, then, unless all of those persons are named on the same party list, a poll shall be taken in accordance with Part IV of these Rules.

PART IV

Contested Elections: General Provisions

Poll to be taken by ballot

15. The votes at the poll shall be given by ballot to enable the seats for London members to be allocated to registered parties and individual candidates in accordance with paragraphs 7 and 8 of Part II of Schedule 2 to the 1999 Act.

The ballot papers

16.—(1) The ballot of every voter shall consist of a ballot paper which shall be in the appropriate form.

(2) After any withdrawals under Part III—

- (a) each registered party whose party list includes persons who remain validly nominated as list candidates; and
- (b) the persons remaining validly nominated as individual candidates at that election,

shall be entitled to have their names inserted in the ballot paper at that election.

(3) Every ballot paper—

- (a) shall be printed in accordance with the directions set out in the Forms Schedule;
- (b) shall contain the names of the registered parties; and the names and other particulars of the individual candidates;
- (c) shall be capable of being folded up;
- (d) shall have a number printed on the back;
- (e) shall have attached a counterfoil with the same number printed on it.

(4) If a request is made by or on behalf of a registered party's nominating officer, the ballot paper shall contain, above the party's name, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(5) If an individual candidate who is the subject of a registered party's authorisation under rule 6(4) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(6) The request must—

- (a) be made in writing to the GLRO, and
- (b) be received by him during the period for delivery of nomination papers set out in the Timetable in rule 3.

(7) After the names of the registered parties alphabetically arranged, the names of the individual candidates shall be arranged in order of their surnames and, if there are two or more of them with the same surname, of their other names.

The official mark

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

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at any Authority election.

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

Prohibition of disclosure of vote

18. No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

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

(a) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;

(b) a room the expense of maintaining which is met by any local authority.

(2) The CRO shall make good any damage done to, and defray an expense incurred by the persons having control over, any such room as mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

(3) The use of a room in an unoccupied hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

Notice of poll

20.—(1) The GLRO shall publish notice of the poll stating—

(a) the day and hours fixed for the poll;

(b) the number of seats for London members available for allocation at that election,

(c) the names of each registered party whose party list includes persons who remain validly nominated as list candidates, and

(d) particulars of each individual candidate remaining validly nominated,

and rule 16(7) shall apply in relation to the order in which names and particulars appear on the notice of the poll as they apply in relation to ballot papers.

(2) The CRO shall, not later than the time of the publication of the notice of the poll, also give public notice of—

(a) the situation of each polling station; and

(b) the description of voters entitled to vote there;

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

Postal ballot papers

21. The CRO shall as soon as practicable send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity in the appropriate form, together with an envelope for their return.

Provision of polling stations

22.—(1) The CRO shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

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

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the constituency shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the constituency.

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

Appointment of presiding officers and clerks

23.—(1) The CRO shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed in or about the election by or on behalf of a candidate or a registered party which has submitted a party list.

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

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

Issue of official poll cards

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

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if he is entitled to vote by post as proxy at the election.

(2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

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

- (a) that the election is of the London members of the London Assembly at an ordinary election,
- (b) the elector's name, qualifying address and number on the register; and
- (c) the date and hours of the poll and the situation of the elector's polling station.

Equipment of polling stations

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

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

(3) The CRO shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (c);
- (e) a notice of the death of any person of whose death he has been informed as mentioned in rule 13(3).

- (4) Notices in the appropriate forms, for the guidance of voters, shall be exhibited—
- (a) inside and outside every polling station,
 - (b) in every polling station, and
 - (c) in every compartment of every polling station.

Appointment of polling and counting agents

26.—(1) Subject to paragraphs (3) to (5), before the commencement of the poll—

- (a) each individual candidate; and
- (b) the election agent of each list candidate,

may appoint polling agents to attend at polling stations for the purpose of detecting personation; and counting agents to attend at the local count.

(2) The same person may be appointed as a polling agent or counting agent by, or in the case of list candidates on behalf of, more than one candidate.

(3) Not more than four polling agents, or such greater number as the CRO may by notice allow, shall be permitted to attend at any particular polling station.

(4) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO shall determine by lot which agents are permitted to attend, and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(5) The CRO may limit the number of counting agents, but in doing so shall ensure that—

- (a) the number is the same in the case of each candidate; and
- (b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(6) For the purposes of the calculations required by paragraph (5)—

- (a) a counting agent appointed for more than one list candidate shall be deemed to be appointed for all the candidates on that list;
- (b) a counting agent appointed for more than one candidate (other than a list candidate) is a separate agent for each of the candidates for whom he has been appointed;

(7) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate, or as the case may be, the election agent, to the CRO and shall be so given not later than the fifth day (computed like any period of time in the Timetable in rule 3) before the day of the poll.

(8) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and shall forthwith give to the CRO notice in writing of the name and address of that other person.

(9) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of the 1983 Act as to the appointment of paid polling agents, and any appointment for a candidate (other than a list candidate) authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.

(10) In the following provisions of these Rules references to polling agents and counting agents shall be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted numbers.

(11) Any notice required to be given to a counting agent by the CRO may be delivered at, or sent by post to, the address stated in the notice of appointment.

(12) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(13) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.

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

Notification of requirement of secrecy

27. The CRO shall make such arrangements as he thinks fit to ensure that—

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

Admission to polling station

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

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty; and
- (e) the companions of blind voters.

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

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

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

Keeping of order in station

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

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

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

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

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

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

(a) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

Sealing of ballot boxes

30. Immediately before the commencement of the poll, the presiding officer shall—
- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty;
 - (b) lock up such of the boxes as have locks;
 - (c) place his seal—
 - (i) on each lock; and
 - (ii) on each ballot box which has no lock,in such a manner as to prevent its being opened without breaking the seal;
 - (d) place each box in his view for the receipt of ballot papers; and
 - (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

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

- (a) in the case of a person applying as an elector—
 - (i) “Are you the person registered in the register of local government electors for this election as follows?” (*read the whole entry from the register*)
 - (ii) “Have you already voted at this election otherwise than as proxy for some other person?”
- (b) in the case of a person applying as proxy—
 - (i) “Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?”
 - (ii) “Have you already voted at this election as proxy on behalf of C.D.?”

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

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

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

“Have you already voted at this election on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”

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

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

Challenge of voter

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

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

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

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

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

Voting procedure

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

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

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

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

Votes marked by presiding officer

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

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

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

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

(3) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

Voting by blind persons

35.—(1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as "the companion"), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as "the declaration made by the companion of a blind voter") that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one blind person to vote at the election,

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

(3) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—

- (a) a person who is entitled to vote as an elector at the election; or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of 18 years.

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

(5) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(6) The declaration made by the companion—

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

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

Tendered ballot papers

36.—(1) If a person, representing himself to be—

- (a) a particular elector named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

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

(2) A tendered ballot paper shall—

- (a) be of a colour different from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

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

(4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name shall be the number of that elector.

Spoilt ballot papers

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

Adjournment of poll in case of riot

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

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

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

(3) As soon as practicable after being informed of the adjournment of a poll, the CRO shall inform the GLRO of that fact and of the cause of its adjournment.

Procedure on close of poll

39.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) the tendered votes list, the list of blind voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of blind voters,

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

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (e) shall not be combined with the contents of the packets made under the corresponding rule that applies at other Assembly elections, nor shall the statement under paragraph (4) be so combined.

(3) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(4) The packets shall be accompanied by a statement (“ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

Attendance at local count

40.—(1) As soon as practicable after the close of the poll, the CRO shall make arrangements for carrying out, in the presence of the counting agents appointed for the purposes of the election—

- (a) the separation and verification of the ballot papers; and
- (b) the counting of the London votes cast in the constituency;

and he shall give to those agents notice in writing of the time and place at which he will begin to carry out those tasks.

(2) No person other than—

- (a) the CRO and his clerks,
- (b) the candidates and their husbands or wives,
- (c) the election agents,
- (d) the counting agents,

may be present at a local count, unless permitted by the CRO to attend.

(3) A person not entitled to attend a local count shall not be permitted to do so by the CRO unless he—

- (a) is satisfied that the efficient separation and verification of the ballot papers and the counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(4) The CRO shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the candidate or, as the case may be, the registered party for whom the vote is given and then counting the number of ballot papers for each candidate or party, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The local count

41.—(1) The CRO shall—

- (a) in the presence of the counting agents appointed for the purposes of the constituency members election, the London members election and the Mayoral election, open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the election agents appointed for the purposes of those elections, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to the London members election from those relating to the constituency members election and the Mayoral election;

(2) After completing the proceedings under paragraph (1), the CRO shall mix together all of the ballot papers used in the Assembly constituency at the London members election and count the votes given on them.

(3) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the CRO before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

(4) The CRO shall not count any tendered ballot paper.

(5) The CRO, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(6) The CRO shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(7) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 5 in the afternoon and 10 on the following morning; and for the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

(8) During the time so excluded the CRO shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

42.—(1) Any ballot paper—

- (a) on which votes are given for more than one party or individual candidate; or
- (b) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (c) 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 void if an intention that the vote shall be for one only of the party or individual candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

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

(4) The CRO shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) voting for more than one party or individual candidate;
- (b) writing or mark by which the voter could be identified;
- (c) unmarked or void for uncertainty,

and shall, as soon as practicable after its completion, inform the GLRO of its contents.

Decision on ballot papers

43. The decision of the CRO on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

Re-count

44.—(1) A candidate or his election agent (including, in the case of a list candidate, the election agent for that list) may, if present when the counting or any re-count of the votes is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

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

Procedure at conclusion of local count

45.—(1) As soon as practicable after the conclusion of the local count (including any re-count), the CRO shall draw up a statement showing—

- (a) the total number of votes cast;
- (b) the total number of votes rejected under rule 42;
- (c) the number of votes given for each registered party by whom a party list was submitted; and
- (d) the number of votes cast for each individual candidate.

(2) As soon as practicable after completion of the statement, the CRO shall inform the GLRO of its contents.

(3) As soon as practicable after the GLRO has authorised him to do so, the CRO shall—

- (a) inform such of the candidates and their election agents as are then present of the content of the statements prepared in accordance with rule 42 and paragraph (1) of this rule; and
- (b) give public notice of the contents of those statements.

Attendance at allocation of seats

46.—(1) The GLRO shall make arrangements for making the allocation of seats in the presence of the election agents of the individual candidates (including, in the case of a list candidate, the election agent for that list); and he shall give to those agents notice in writing of the time and place at which he will begin the allocation.

(2) No person other than—

- (a) the GLRO and his clerks,
- (b) the candidates,
- (c) the election agents,
- (d) the nominating officers of those registered parties standing nominated at the election,

may be present at an allocation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend an allocation shall not be permitted to do so by the GLRO unless the GLRO—

- (a) is satisfied that the efficiency of the allocation will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

The calculation

47.—(1) As soon as the GLRO has received from every CRO the information required by rule 45 he shall calculate the London figure^(a) for each registered party by which a party list has been submitted for that election, and for each individual candidate.

(2) If at a contested election proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named as an individual candidate in the ballot papers, or whose name appears on a party list, has died, then the GLRO shall make the calculation referred to in paragraph (1) without regard to that candidate.

(3) As soon as the GLRO has ascertained the result of the calculation, he shall inform such of the election agents for the candidates as are then present of the relevant figures and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(4) Where information of the description mentioned in paragraph (5)(e) is given in accordance with paragraph (3), the GLRO shall provide the persons to whom it was given with a statement containing—

- (a) the names of the persons concerned; and
- (b) with respect to each such person, the name of the party from whose list his name has been omitted or treated as omitted, and the reason therefor.

(5) In this rule, “the relevant figures” means—

- (a) the number of London votes given in the Assembly constituencies for each registered party by which a party list has been submitted for that election; and for each individual candidate at that election;
- (b) in respect of each party by whom a party list has been submitted, the number of successful candidates to be constituency members—
 - (i) who were the subject of that party's authorisation under rule 6(4) of the Constituency Members Election Rules^(b); and

(a) See paragraph 6(3) of Schedule 2 to the Greater London Authority Act 1999. For the resolution of equality between two or more parties or individual candidates, see paragraph 8(9) of that Schedule.

(b) See Schedule 1 to the Greater London Authority Elections Rules 2000.

- (ii) whose particulars on the ballot paper included the party's registered emblem or, as the case may be, one of the party's registered emblems;
- (c) the calculation of the London figure;
- (d) any recalculation required by paragraph 8(3), or carried out in the circumstances mentioned in paragraph 8(8), of Schedule 2 to the 1999 Act; and
- (e) the number of persons whose names have been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) who are to be treated as ceasing to be on, a party list.

PART V

Final Proceedings In Contested And Uncontested Elections

Declaration of result

48.—(1) The GLRO shall declare the allocation of the seats for London members and, where seats are allocated to a registered party, the names of the persons on the party list who, in accordance with paragraph 8(5) of Schedule 2 to the 1999 Act, are to fill those seats.

- (2) The GLRO shall give public notice of—
 - (a) the registered parties to which seats for London members have been allocated and the names of the list candidates by whom those seats are to be filled;
 - (b) the names of the successful individual candidates;
 - (c) the total number of London votes given for each registered party and each individual candidate;
 - (d) the total number of candidates of registered parties returned as constituency members;
 - (e) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers;
 - (f) the name of every person included on a party list who has been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) is to be treated as ceasing to be on, that list, together with the reason for the omission or cessation, as the case may be; and
 - (g) where rule 47(2) applies, and without prejudice to sub-paragraph (f), the name of the deceased candidate.

Return or forfeiture of candidate's deposit

49.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 shall be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit shall be returned not later than the next day after that on which the result of the election is declared.

- (3) For the purposes of paragraph (2)—
 - (a) a day shall be disregarded if it would be disregarded under rule 3 in computing any period of time for the purposes of the timetable for an election of the kind in question; and
 - (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof has been given to the GLRO before the allocation of seats of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(5) Where a poll is taken, if, after the declaration under rule 48, a candidate or registered party is found not to have polled more than one-fortieth of the total number of votes polled by all the candidates and registered parties, the deposit shall be forfeited to the Greater London Authority.

PART VI

Disposal Of Documents

Sealing up of ballot papers

50.—(1) On the completion of the counting at a contested election the CRO shall seal up in separate packets the counted and rejected ballot papers.

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

Delivery and retention of documents

51. The CRO shall then forward to the proper officer the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts, and
- (c) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

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

(2) The CRO shall retain the packets containing—

- (a) the marked copies of registers and of lists of proxies, and
- (b) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters.

Orders for production of documents

52.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the proper officer; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

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

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the proper officer 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 think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

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

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

(6) Where an order is made for the production by the proper officer of any document in his possession relating to any specified election—

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

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be *prima facie* evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the proper officer or open any sealed packets of counterfoils and certificates.

Public inspection and destruction of documents

53.—(1) The proper officer shall retain for six months amongst the records of the Authority all documents relating to a constituency election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

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

(3) The CRO shall keep for six months the documents retained by him in accordance with rule 51 and then, unless otherwise directed by an order of a county or an election court, shall cause them to be destroyed.

(4) Those documents shall, until destroyed, be open to public inspection at all reasonable hours.

(5) The proper officer and the CRO shall, on request, supply copies of or extracts from such of the documents in their possession as are open to public inspection on payment of such fees and subject to such conditions as may be determined by the Authority.

PART VII

List Candidates And The Filling Of Vacancies

Interpretation of Part VII

54. In this Part—

“dual candidate” means a person—

- (a) whose name, subject to rule 55, falls to be notified as mentioned in subsection (6) of section 11 of the 1999 Act; and
- (b) who is a candidate (otherwise than at an ordinary election) for election—
 - (i) as the Mayor of London; or
 - (ii) as a constituency member;

“nominating officer”, in relation to a registered party and a vacancy in the office of a London member, means the person who holds that office in the party at the time at which the vacancy arises; and

“paragraph (1) notice” has the meaning given by rule 56(1).

Removal from party list on election as Mayor or constituency member

55.—(1) Where a person whose name is for the time being included in a party list is elected (otherwise than at an ordinary election)—

- (a) as the Mayor of London; or
- (b) as a constituency member,

his name shall be removed from that list.

(2) For the purposes of this Part, the name of a person to whom paragraph (1) applies shall be treated as ceasing to be included in the list from the date on which he is returned as the Mayor or a constituency member, as the case may be (even if his return is void).

Notification of vacancy

56.—(1) As soon as the office of a London member who was returned from a registered party's list becomes vacant, the GLRO shall simultaneously give or send to—

- (a) the party's nominating officer; and
- (b) the person whose name would, in accordance with subsection (6) of section 11 of the 1999 Act (filling a vacancy among the London members) (and on the assumption that he satisfies the conditions in subsection (4)), be so notified,

written notice ("paragraph (1) notice") of the matters specified in paragraph (2).

(2) The matters specified in this paragraph are—

- (a) the vacancy;
- (b) that the nominating officer may, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, give the notice referred to in subsection (5)(b) of section 11 of the 1999 Act; and
- (c) that the person must, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, indicate whichever of the following apply to him—
 - (i) that he is willing to serve as a London member ("notice of willingness");
 - (ii) that he is not willing to serve as a London member; and
 - (iii) that he is a dual candidate.

(3) The GLRO shall not notify the Chair of the Assembly as mentioned in section 11(3) of the 1999 Act until—

- (a) the period mentioned in paragraph (2)(b) has elapsed; and
- (b) he has received a notice of willingness; and
- (c) if the person by whom notice of willingness has been given is a dual candidate, the result of the election at which he is a Mayoral or constituency member candidate has been declared.

Unwilling candidate or objection by registered party

57. Where the GLRO receives a notice under rule 56(2)(c)(ii) or section 11(5)(b) of the 1999 Act he shall again send a paragraph (1) notice, but with the substitution, for the name of the person to whom the first such notice was sent, of the name of the person who, on the same assumption, would be the next person whose name would be notified in accordance with section 11(6) of that Act; and so on until, in respect of such a person—

- (a) no notice is given under section 11(5)(b) of that Act; and
- (b) a notice of willingness has been received.

Acceptance of office and further notification

58.—(1) As soon as practicable after the GLRO has identified the person who is to fill the vacancy, he shall invite him to attend at his office to sign the declaration of acceptance of office.

(2) In a case to which subsection (3) of section 11 of the 1999 Act applies, as soon as practicable after the declaration of acceptance of office has been signed, the GLRO shall notify the Chair of the Assembly as mentioned in that subsection.

THE MAYORAL ELECTION RULES

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PART I

General Provisions

Citation

1. These Rules may be cited as the Mayoral Election Rules.

Interpretation

- 2.—(1) In these Rules, unless the context indicates otherwise—

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

“the 1999 Act” means the Greater London Authority Act 1999;

“the appropriate form” in relation to a particular rule, means the form set out in the Forms Schedule and indicated as applicable to that rule; or where more than one form is so set out, the form indicated as relevant to the particular case;

“candidate” means a candidate to be the Mayor;

“constituency” means an Assembly constituency;(b);

“CRO” means a constituency returning officer within the meaning of Part I of the 1999 Act (see section 24 of that Act and section 35(2B) of the 1983 Act(c));

“election” means an election for the return of the Mayor;

“Forms Schedule” means Schedule 5 to the Greater London Authority Elections Rules 2000;

“GLRO” (Greater London returning officer)—

(a) in relation to the first ordinary election, means the person, or a person of the description, designated by order under section 3(4) of the 1999 Act as the returning officer at the elections of the Mayor and of the London members;

(b) in relation to any other election, has the same meaning as in Part I (Greater London Authority) of the 1999 Act(d); and

“Mayor” means the Mayor of London.

- (2) References in these Rules—

(a) to the GLRO include references to any person appointed by him under subsection (4) of section 35 (returning officers: local elections in England and Wales)(e) of the 1983 Act; and

(b) to the CRO include references to any person appointed by him under that subsection.

(3) Other expressions used both in these Rules and in Part I (the Greater London Authority) of the 1999 Act have the same meaning in these Rules as they have in that Part.

(a) 1983 c.2. Relevant amendments are made by the Greater London Authority Act 1999 (c.29), Schedule 3, paragraph 3.

(b) *See* S.I. 1999/3380.

(c) Section 35(2B) was inserted by the Greater London Authority Act 1999, Schedule 3, paragraph 3. *See* rule 5 of the Greater London Authority Elections Rules 2000 for particular duties of a CRO at an election for the return of the Mayor.

(d) *See* the definition of “proper officer” in section 202 of the Representation of the People Act 1983 which was substituted by the Greater London Authority Act 1999, Schedule 3, paragraph 38.

(e) Relevant amendments are made by the Greater London Authority Act 1999, Schedule 3, paragraph 3.

PART II

Provisions As To Time

Timetable

3.—(1) Subject to paragraph (2), the proceedings at the election shall be conducted in accordance with the following Timetable:

| <i>Proceeding</i> | <i>Time</i> |
|--|---|
| Publication of notice of election | Not later than the twenty-fifth day before the day of election |
| Delivery of nomination papers | Not later than noon on the nineteenth day before the day of election |
| Publication of statement as to persons nominated | Not later than noon on the seventeenth day before the day of election |
| Delivery of notices of withdrawal of candidature | Not later than noon on the sixteenth day before the day of election |
| Notice of poll | Not later than the sixth day before the day of election |
| Polling | Between the hours of 8 in the morning and 9 at night on the day of election |

(2) At the first ordinary election, the time for polling shall be between the hours of 7 in the morning and 9 at night on the day of the election.

Computation of time

4.—(1) In computing any period of time for the purposes of the Timetable—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(a) in England and Wales.

PART III

Stages Common To Contested And Uncontested Elections

Notice of election

5.—(1) The GLRO shall publish in each Assembly constituency notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice shall state that forms of nomination papers may be obtained at that place and those times.

(a) 1971 c.80.

- (2) The notice of election shall state the date by which—
- (a) applications to vote by post or proxy, and
 - (b) other applications and notices about postal or proxy voting,
- must reach the electoral registration officer in order that they may be effective for the election.

Nomination of candidates and nomination papers

- 6.—(1) Each candidate shall be nominated by a separate nomination paper
- (2) A nomination paper shall be in the appropriate form and shall be delivered at the place fixed for the purpose by the GLRO, which—
- (a) in relation to the first election to be held in accordance with these Rules, shall be at the offices of the person designated by order under section 3(4) of the 1999 Act to be the returning officer at the election;
 - (b) in relation to any subsequent election, shall be at the offices of the Greater London Authority.
- (3) A nomination paper shall state the candidate's—
- (a) full names,
 - (b) home address, in full, and
 - (c) if desired, description,
- and the surname shall be placed first in the list of names.
- (4) The description, if any, shall not exceed six words in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.
- (5) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered party unless the description is authorised by a certificate—
- (a) issued by or on behalf of the registered nominating officer of the party, and
 - (b) received by the GLRO before the last time for the delivery of nomination papers.
- (6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (5) on behalf of a registered party's nominating officer.
- (7) In the application of this rule in relation to an election "registered political party" means a party which was registered under the Registration of Political Parties Act 1998(a) at the time by which notice of the election is required to be published.

Subscription of nomination papers

- 7.—(1) The nomination paper of a candidate shall be subscribed by at least 330 persons each of whom is entitled to a mayoral vote; and, in relation to those subscribers, the election and each London borough and the City, at least ten of the subscribers shall be electors who are ordinarily resident in the borough or, as the case may be, the City.
- (2) Where a nomination paper has the signatures of more than the required number of persons as assenting to the nomination of a candidate, the signatures (up to the required number) appearing first on the paper shall be taken into account to the exclusion of any others.
- (3) The nomination paper shall give the electoral number of each person subscribing it.
- (4) The GLRO—
- (a) shall supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

(a) 1998 c.48.

(b) shall, at any elector's request, prepare a nomination paper for signature, but it is not necessary for a nomination or consent to nomination to be on a form supplied by the GLRO.

(5) In this rule—

“elector” means a person—

- (a) who is registered as a local government elector for any Assembly constituency in the register to be used at the election; or
- (b) who, pending publication of that register, appears from the electors lists for that register, as corrected by the registration officer, to be entitled to be so registered,

and accordingly includes a person shown in the register of electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll, but not otherwise; and

“electoral number” means—

- (a) a person's number in that register; or
- (b) pending publication of the register, his number (if any) in the electors list for that register.

Consent to nomination

8. A person shall not be validly nominated unless his consent to nomination—

- (a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
- (b) is attested by one witness, and
- (c) is delivered at the place and within the time for delivery of nomination papers.

Deposits

9.—(1) A person shall not be validly nominated as a candidate unless the sum of £10,000 is deposited by him or on his behalf with the GLRO at the place and during the time for delivery of nomination papers.

(2) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker's draft, or
- (c) with the GLRO's consent, in any other manner,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit shall at the time he makes it give his name and address to the GLRO (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

Decisions as to validity of nomination papers

10.—(1) Where a nomination paper and the candidate's consent to it are delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the GLRO decides that the nomination paper is invalid, or
- (b) proof is given to the GLRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The GLRO is entitled to hold the nomination paper of a person invalid only on one of the following grounds—

- (a) that the particulars of the candidate or of the persons subscribing the paper are not as required by law; and
- (b) that the paper is not subscribed as so required.

(3) As soon as practicable after each nomination paper has been delivered, the GLRO shall examine it and decide whether the candidate has been validly nominated.

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

(5) The GLRO shall, as soon as practicable after making such a decision as is mentioned in paragraph (3) or (4), send notice of it to the candidate at his home address as given in his nomination paper,

(6) The GLRO's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

11.—(1) The GLRO shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

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

(4) In the case of a person nominated by more than one nomination paper, the GLRO shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the GLRO in default of the candidate) may select.

Inspection of nomination papers and consent to nomination

12. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal of candidature

13.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address shall be given; and
- (b) delivered to the GLRO at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

14.—(1) If, any after withdrawals under rule 13—

- (a) more than two candidates remain validly nominated, a poll shall be taken in accordance with Parts IV and V of these Rules,
- (b) only two candidates remain validly nominated, a poll shall be taken in accordance with Part IV;
- (c) only one candidate remains validly nominated, that person shall be declared to be elected in accordance with Part VI.

PART IV

Contested Elections

Poll to be taken by ballot

15. The votes at the poll shall be given by ballot.

The ballot papers

16.—(1) The ballot of every person entitled to a mayoral vote at the election shall consist of a ballot paper.

(2) The persons remaining validly nominated for election to the office of Mayor, after any withdrawals, and no others, shall be entitled to have their names inserted in the ballot paper at that election.

(3) Every ballot paper shall be in the appropriate form, printed in accordance with the directions set out in the Forms Schedule, and—

- (a) shall be of a different colour from that of any ballot papers used at any other election for which the poll is taken together with that at the election;
- (b) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
- (c) shall be capable of being folded up;
- (d) shall have a number printed on the back;
- (e) shall have attached a counterfoil with the same number printed on it.

(4) If a candidate who is the subject of a party's authorisation under rule 6(5) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(5) The request must—

- (a) be made in writing to the GLRO, and
- (b) be received by him during the period for delivery of nomination papers set out in the Timetable in rule 3.

(6) The names of the candidates shall be arranged alphabetically in order of their surnames and, if there are two or more of them with the same surname, of their other names.

The official mark

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

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at any Authority election.

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

Prohibition of disclosure of vote

18. No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Use of schools and public rooms

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

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

(2) The use of a room in an unoccupied hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

(3) Paragraph (4) applies in relation to an election to fill a vacancy in the office of the Mayor.

(4) In a case to which this paragraph applies, this rule shall have effect with the addition of the following—

“(2A) The CRO shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as is mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.”

Notice of poll

20.—(1) The GLRO shall publish notice of the poll stating—

- (a) the day and hours fixed for the poll;
- (b) particulars of each candidate remaining validly nominated,

and paragraph (7) of rule 16 shall apply in relation to the order in which names and particulars appear on the notice of the poll as they apply in relation to ballot papers.

(2) The CRO shall, not later than the time of the publication of the notice of the poll, also give public notice of—

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

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

Postal ballot papers

21. The CRO shall as soon as practicable send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity in the appropriate form, together with an envelope for their return.

Provision of polling stations

22.—(1) The CRO shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

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

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the constituency shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the constituency.

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

Appointment of presiding officers and clerks

23.—(1) The CRO shall appoint and pay a presiding officer to attend at each polling station and such clerks and technical assistants as may be necessary for the purposes of

the election, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.

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

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

Issue of official poll cards

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

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if he is entitled to vote by post as proxy at the election.

(2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

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

- (a) that the election is a mayoral election,
- (b) the elector's name, qualifying address and number on the register; and
- (c) the date and hours of the poll and the situation of the elector's polling station.

Equipment of polling stations

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

(2) The same ballot box shall be used at an ordinary election for the ballot papers containing the constituency vote, the London vote and the mayoral vote.

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

(4) The CRO shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors for such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (c).

(5) Notices in the appropriate forms, for the guidance of voters, shall be exhibited—

- (a) inside and outside every polling station,
- (b) in every polling station, and
- (c) in every compartment of every polling station.

Appointment of polling and counting agents

26.—(1) Subject to paragraphs (3) to (5), before the commencement of the poll each candidate may appoint polling agents to attend at polling stations for the purpose of detecting personation; and counting agents to attend at the mayoral count.

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

(3) Not more than four polling agents, or such greater number as the CRO may by notice allow, shall be permitted to attend at any particular polling station.

(4) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO shall determine by lot which agents are permitted to attend, and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(5) The CRO may limit the number of counting agents, but in doing so shall ensure that—

- (a) the number is the same in the case of each candidate; and
- (b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(6) For the purposes of the calculations required by paragraph (5) a counting agent appointed for more than one candidate is a separate agent for each of the candidates for whom he has been appointed;

(7) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate or, as the case may be, the election agent, to the CRO and shall be so given not later than the fifth day (computed like any period of time in the Timetable in rule 3) before the day of the poll.

(8) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and shall forthwith give to the CRO notice in writing of the name and address of that other person.

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

(10) In the following provisions of this Part references to polling agents and counting agents shall be taken as reference to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted numbers.

(11) Any notice required to be given to a counting agent by the CRO may be delivered at, or sent by post to, the address stated in the notice of appointment.

(12) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(13) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.

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

Notification of requirement of secrecy

27. The CRO shall make such arrangements as he thinks fit to ensure that—

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

(a) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c.50).

Admission to polling station

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

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks and technical assistants appointed to attend at the polling station;
- (d) the constables on duty; and
- (e) the companions of blind voters.

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

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

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

Keeping of order in station

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

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

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

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

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

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

Sealing of ballot boxes

30. Immediately before the commencement of the poll, the presiding officer shall—

- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty;
- (b) lock up such of the boxes as have locks;
- (c) place his seal—
 - (i) on each lock; and
 - (ii) on each ballot box which has no lock,in such a manner as to prevent its being opened without breaking the seal;
- (d) place each box in his view for the receipt of ballot papers; and
- (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

31.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his

application, but not afterwards, the following questions or either of them—

- (a) in the case of a person applying as an elector—
 - (i) “Are you the person registered in the register of local government electors for this election as follows?” (*read the whole entry from the register*)
 - (ii) “Have you already voted at this election otherwise than as proxy for some other person?”
- (b) in the case of a person applying as proxy—
 - (i) “Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?”
 - (ii) “Have you already voted at this election as proxy on behalf of C.D.?”

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

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

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

“Have you already voted at this election on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”

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

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

Challenge of voter

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

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

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

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

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

Voting procedure

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

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

(2) The voter, on receiving the ballot paper shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

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

Votes marked by presiding officer

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

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

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

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

(3) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(4) The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.

Voting by blind persons

35.—(1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as "the companion"), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as "the declaration made by the companion of a blind voter") that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one blind person to vote at the election,

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

(3) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—

- (a) a person who is entitled to vote as an elector at the election; or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these Rules referred to as "the list of blind voters assisted by companions").

(5) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(6) The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.

- (7) The declaration made by the companion—
 - (a) shall be in the appropriate form;
 - (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.
- (8) No fee or other payment shall be charged in respect of the declaration.

Tendered ballot papers

- 36.**—(1) If a person, representing himself to be—
- (a) a particular elector named on the register and not named in the absent voters list, or
 - (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

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

- (2) A tendered ballot paper shall—
 - (a) be of a colour different from the other ballot papers;
 - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.
- (3) The name of the voter and his number on the register of electors shall be entered on a list (in these Rules referred to as the “tendered votes list”).
- (4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name shall be the number of that elector.
- (5) The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.

Spoilt ballot papers

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

Adjournment of poll in case of riot

- 38.**—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the CRO.
- (2) Where the poll is adjourned at any polling station—
 - (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
 - (b) references in these Rules to the close of the poll shall be construed accordingly.
 - (3) As soon as practicable after the CRO has received notice of the adjournment of a poll he shall inform the GLRO of that fact and of the cause of its adjournment.

Procedure on close of poll

39.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own

seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) the tendered votes list, the list of blind voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of blind voters,

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

(2) The contents of the packets referred to in paragraph (1)(b) (c) and (e) shall not be combined with the contents of the packets made under the corresponding rule that applies at any other Assembly election, nor shall the statement under paragraph (4) be so combined.

(3) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(4) The packets shall be accompanied by a statement (“the ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

Attendance at local count

40.—(1) As soon as practicable after the close of the poll, the CRO shall make arrangements for carrying out, in the presence of the counting agents appointed for the purposes of the election—

- (a) where the election is at an ordinary election, the separation and verification of the ballot papers and the counting of the votes cast in the constituency at the election;
- (b) where the election is not at an ordinary election, the counting of the votes cast in the constituency at the election,

and he shall give to those agents notice in writing of the time and place at which he will begin to carry out those tasks, or as the case may be, that task.

(2) No person other than—

- (a) the CRO and his clerks,
- (b) the candidates and their husbands or wives,
- (c) the election agents,
- (d) the counting agents,

may be present at a local count, unless permitted by the CRO to attend.

(3) A person not entitled to attend a local count shall not be permitted to do so by the CRO unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(4) The CRO shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

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

The local count

41.—(1) Where the election is at an ordinary election, the CRO shall—

- (a) in the presence of the counting agents appointed for the purposes of the constituency members election, the London members election and the mayoral election, open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the election agents appointed for the purposes of those elections, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to the mayoral election from those relating to the constituency members election and the London members election;

(2) Where the election is not at an ordinary election, the CRO shall—

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

(3) After completing the proceedings under paragraph (1) or (2), the CRO shall mix together all of the ballot papers used at that election in the Assembly constituency and—

- (a) where the election is contested by more than two candidates, count the first preference votes given on them;
- (b) where the election is contested by only two candidates, count the votes given on them.

(4) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the CRO before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

(5) The CRO shall not count any tendered ballot paper.

(6) While counting and recording the number of ballot papers and counting the votes, the CRO shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(7) The CRO shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(8) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 5 in the afternoon and 10 on the following morning; and for the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

(9) During the time so excluded the CRO shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

42.—(1) Any ballot paper—

- (a) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (b) which is unmarked,

shall be void and not counted.

(2) A ballot paper on which a 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 void if—

- (i) at an election at which more than two candidates remain validly nominated, an intention that votes shall be given, by way of a first preference vote, for not more than one of the candidates clearly appears;
- (ii) at any other election, an intention that a vote shall be for one only of the candidates clearly appears,

and (in each case) the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) A ballot paper which is not otherwise void and on which not more than one first preference vote is marked (whether or not a second preference vote is marked) shall be valid as respects that vote, and counted accordingly.

(4) The CRO shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if any objection to his decision is made by a counting agent.

(5) The CRO shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) voting for more than one candidate as to the first preference vote;
- (b) writing or mark by which the voter could be identified; and
- (c) unmarked or void for uncertainty as to the first preference vote.

(6) As soon as practicable after completion of the statement, the CRO shall inform the GLRO of its contents.

Decisions on ballot papers

43. The decision of the CRO on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

Re-count

44.—(1) A candidate or his election agent may, if present when the counting or any re-count of the votes, or as the case may be, the first preference votes, is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes, or as the case may be, the first preference votes, until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Procedure at conclusion of local count

45.—(1) As soon as practicable after the conclusion of the local count (including any re-count), the CRO shall draw up a statement showing—

- (a) the total number of ballot papers used;
- (b) the total number of rejected ballot papers;

- (c) at an election contested by more than two candidates—
 - (i) the number of first preference votes given to each candidate;
 - (ii) the total number of first preference votes given; and
 - (iii) the number of ballot papers marked “rejected” (rule 42(4));
- (d) at an election contested by only two candidates, the number of votes given for each candidate.

(2) As soon as practicable after completion of the statement, the CRO shall inform the GLRO of its contents.

(3) As soon as practicable after the GLRO has authorised him to do so, the CRO shall—

- (a) inform such of the candidates and their election agents as are then present of the contents of the statements prepared in accordance with rule 42 and paragraph (1) of this rule; and
- (b) give public notice of the contents of those statements.

Attendance at central calculation

46.—(1) The GLRO shall make arrangements for making the central calculation in the presence of the election agents and he shall give to those agents notice in writing of the time and place at which he will begin the calculation.

(2) No person other than—

- (a) the GLRO and his clerks,
- (b) the candidates,
- (c) the election agents, and
- (d) at an ordinary election, the nominating officers permitted to be present at the allocation of seats for London Members of the Assembly^(a),

may be present at a calculation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend a calculation shall not be permitted to do so by the GLRO unless he—

- (a) is satisfied that the efficiency of the calculation will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

The first calculation and resolution of equality

47.—(1) As soon as the GLRO has received from every CRO the information required by rule 45 he shall—

- (a) in relation to an election contested by more than two candidates, ascertain the total of the first preference votes given in the Assembly constituencies to each candidate; and
- (b) in relation to an election contested by only two candidates, ascertain the total number of votes given in the Assembly constituencies to each candidate.

(2) As soon as the GLRO has ascertained the result of the calculation, he shall inform such of the election agents as are then present of the relevant figures and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) In paragraph (2), “the relevant figures” means—

- (a) in the case of an election contested by more than two candidates, the number of first preference votes given in each of the Assembly constituencies for each candidate and the calculation undertaken by the GLRO for the purposes of ascertaining whether a candidate is to be returned in accordance with paragraph 3 of Schedule 2 to the 1999 Act (candidate with overall majority of first preference votes);

(a) See rule 46(2)(d) of the London Members Election Rules in Schedule 2 to the Greater London Authority Elections Rules 2000.

- (b) in the case of an election contested by only two candidates, the number of votes given in each Assembly constituency for each candidate and the total number of votes given for each candidate.
- (4) Where an election is contested by more than two candidates—
 - (a) if paragraph 3 of Schedule 2 to the 1999 Act applies (candidate with overall majority of first preference votes) the declaration of the person to be returned as the Mayor shall be made in accordance with rule 50(1);
 - (b) if paragraph 4(1) of that Schedule applies (no candidate with overall majority of first preference votes), the GLRO shall direct every CRO at the election to count the second preference votes given as mentioned in paragraph 4(5) of that Schedule.
- (5) Where an election is contested by only two candidates and the total number of votes given for each of them is unequal the person to be returned as the Mayor is the candidate to whom the majority of the votes is given.
- (6) Where an election is contested by only two candidates and the total number of votes given for each of them is equal, the person to be returned as the Mayor is the person whom the GLRO decides, in accordance with paragraph 4(8) of Schedule 2 to the 1999 Act, is to be returned as the Mayor.
- (7) In a case to which paragraph (5) or (6) applies, the declaration of the person to be returned as the Mayor shall be made in accordance with rule 50.

PART V

Further Provision: More Than Two Candidates

The count of second preference votes

- 48.**—(1) As soon as the CRO has received such a direction as is mentioned in rule 47(4)(b) he shall count the number of second preference votes for each of the candidates remaining in the contest given by voters who did not give their first preference vote to any of those candidates.
- (2) A ballot paper which is not otherwise void and on which not more than one second preference vote is marked shall be valid as respects that vote and shall be counted accordingly if, but only if, a valid first preference vote has also been marked.
- (3) Rules 40, 41(5), (6), (8) and (9), 42 (except paragraph (3)), 44(1) (except the words “the votes, or as the case may be,”) and 46 shall apply in relation to the count of second preference votes as they apply in relation to the count of first preference votes as if references to first preference votes were references to second preference votes.
- (4) The CRO shall not be required to re-examine any decision taken under rule 43.
- (5) As soon as practicable after the second preference votes have been counted, the CRO shall inform the GLRO of the number of second preference votes cast for each of the candidates remaining in the contest.

The second calculation and resolution of equality

- 49.**—(1) As soon as the GLRO has received from every CRO the information required by rule 48(5) he shall comply with paragraph 4(5) and (6) of Schedule 2 to the 1999 Act.
- (2) As soon as the GLRO has ascertained the result of the second calculation, he shall provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the relevant figures and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.
- (3) In paragraph (2), “the relevant figures” means the number of second preference votes given in each of the Assembly constituencies for each of the candidates remaining in the contest and the calculation undertaken by the GLRO for the purpose of ascertaining the total number of first and second preference votes given to each of those candidates.

(4) If, after the second calculation, the total number of votes given for two or more candidates is equal, the person to be returned as the Mayor is the person whom the GLRO decides, in accordance with paragraph 4(8) of Schedule 2 to the 1999 Act, is to be returned as the Mayor.

PART VI

Final Proceedings In Contested And Uncontested Elections

Declaration of result

50.—(1) The GLRO shall declare to be elected as the Mayor of London the candidate who, in accordance with section 4(2) of the 1999 Act (including that provision as applied by section 16(4) at an election to fill a vacancy), or Part I of Schedule 2 to that Act, as the case may be, is to be returned as the Mayor at that election.

(2) The GLRO shall give public notice of—

- (a) the name of the successful candidate,
- (b) the total number of first preference votes given for each candidate,
- (c) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes, and
- (d) the number of rejected ballot papers at the election under each head shown in the statement of rejected ballot papers.

(3) In an uncontested election, the GLRO shall as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the person remaining validly nominated; and
- (b) give public notice of the name of the person declared to be elected.

(4) The GLRO shall inform the proper officer of the Authority of the result of the election.

Return or forfeiture of candidate's deposit

51.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 shall be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit shall be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day shall be disregarded if it would be disregarded under rule 3 in computing any period of time for the purposes of the timetable for an election of the kind in question; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof of his death has been given to the GLRO before the first calculation under rule 47, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(5) Where a poll is taken, if, after the first calculation under rule 47, the candidate is found not to have polled more than one-twentieth of the total number of first preference votes polled by all the candidates, the deposit shall be forfeited to the Greater London Authority.

PART VII

Disposal Of Documents

Sealing up of ballot papers

52.—(1) On the completion of the counting at a contested election the CRO shall seal up in separate packets the counted and rejected ballot papers.

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

Delivery and retention of documents

53.—(1) The CRO shall then forward to the GLRO the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

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

(2) The CRO shall retain the packets containing—

- (a) the marked copies of registers and of lists of proxies, and
- (b) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters.

Orders for production of documents

54.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the GLRO; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

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

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the proper officer 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 think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

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

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

(6) Where an order is made for the production by the proper officer of any document in his possession relating to any specified election—

- (a) the production by him or his agent of the document ordered in such a manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and

(b) any endorsement on any packet of ballot papers so produced shall be *prima facie* evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be *prima facie* evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the GLRO or open any sealed packets of counterfoils and certificates.

Public inspection and destruction of documents

55.—(1) The GLRO shall retain for six months amongst the records of the Authority all documents relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

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

(3) The CRO shall keep for six months the documents retained by him in accordance with rule 53(2) and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(4) Those documents shall be open to public inspection at all reasonable hours.

(5) The GLRO and the CRO shall, on request, supply copies of or extracts from such of the documents in their possession as are open to public inspection on payment of such fees and subject to such conditions as may be determined by the Authority.

PART VIII

Death Of Candidate

Countermand or abandonment of poll on death of candidate

56.—(1) If at a contested election proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the GLRO shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 (local elections void etc. in England and Wales) of the 1983 Act^(a) apply in respect of any vacancy which remains unfilled.

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

(a) it shall not be necessary for any ballot paper account to be prepared or verified and

(b) the CRO, without taking any step or further step for the counting of the ballot papers or of the votes shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

^(a) Subsection (1) of section 39 was amended by the Local Government Act 1985 (c.51), Schedule 17 and the Representation of the People Act 1985 (c.50), section 19(2). See also the definition of "local government area" in subsection (1) of section 203 of the Representation of the People Act 1983 (c.2), amended by the Greater London Authority Act 1999, Schedule 3, paragraph 39(4), and subsection (2) of that section, as substituted by paragraph 39(6) of that Schedule.

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

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

SCHEDULE 4

Rule 3

THE ORDINARY ELECTIONS RULES

Citation, application and interpretation

1.—(1) These Rules may be cited as the Ordinary Elections Rules.

(2) These Rules, as read with the Constituency Members Election Rules, the London Members Election Rules or the Mayoral Election Rules, as the circumstances require, apply in relation to every ordinary election and have effect notwithstanding anything to the contrary in any of those other Rules.

(3) In these Rules—

“candidate” means, as the circumstances require, a candidate at any of the following—

- (a) an election for the return of the Mayor;
- (b) an election for the return of the London members;
- (c) an election for the return of a constituency member;

“CMER” means the Constituency Members Election Rules;

“election” means an ordinary election;

“LMER” means the London Members Election Rules;

“MER” means the Mayoral Election Rules,

and unless the contrary intention appears, other expressions used in these Rules and in the CMER, the LMER or the MER have the same meaning in these Rules as they have in those Rules.

Ballot papers (CMER rule 15, LMER and MER rule 16)

2.—(1) Subject to paragraph (2), the ballot papers at an ordinary election shall be of different colours according to whether the election is to be held under the CMER, the LMER or the MER.

(2) Where, at an ordinary election at which two (or more) polls are to be taken together, the votes are to be counted electronically, the GLRO may determine that two or more ballot papers shall appear on the same sheet of paper.

(3) At an ordinary election—

- (a) the ballot paper at the election held under the CMER shall include the heading “ELECTION OF [*insert name of constituency*] CONSTITUENCY MEMBER”;
- (b) the ballot paper at the election held under the LMER shall include the heading “ELECTION OF LONDON MEMBER”; and
- (c) the ballot paper at the election held under the MER shall include the heading “ELECTION OF MAYOR”.

(4) In a case to which paragraph (2) applies the headings required by paragraph (3)(a) and (b) shall appear consecutively below the heading “ELECTION OF THE LONDON ASSEMBLY”.

Notice of poll (CMER rule 19, LMER and MER rule 20)

3. The notices of poll at an ordinary election shall include the heading “GREATER LONDON AUTHORITY ELECTION”.

Postal ballot papers (CMER rule 20, LMER and MER rule 21)

4. Where the polls at an ordinary election are taken together—
- (a) the proceedings on the issue and receipt of postal ballot papers in respect of each election may be taken together; and
 - (b) a joint declaration of identity shall be issued in the appropriate form.

Issue of poll cards (CMER rule 23, LMER and MER rule 24)

5. Combined poll cards shall be issued in the appropriate form.

Equipment of polling stations (CMER rule 24, LMER and MER rule 25)

- 6.—(1) The ballot papers shall, as the GLRO may decide, be placed—
- (a) in a single ballot box; or
 - (b) in separate ballot boxes according to whether the votes given on them are cast in the election under the CMER, the LMER or the MER.
- (2) All notices shall be in the appropriate form.

Voting procedure (CMER rule 32, LMER and MER rule 33)

7. The same copy of the register of electors may be used for each election and one mark may be placed in that register to denote that a ballot paper has been received in respect of each election; except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register so as to identify the election in respect of which the ballot paper was issued.

Votes marked by presiding officer (CMER rule 33, LMER and MER rule 34)

8. The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.

Voting by blind persons (CMER rule 34, LMER and MER rule 35)

9. The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.

Tendered ballot papers (CMER rule 35, LMER and MER rule 36)

10. The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.

Ballot paper accounts (CMER rule 38(4), LMER and MER rule 39(4))

11. Where the GLRO determines, in accordance with rule 2(2), that ballot papers shall be combined, ballot paper accounts shall also be combined.

The count (CMER 40, LMER and MER 41)

12.—(1) In any case to which rule 6(1)(b) applies, the ballot boxes from each polling station shall be opened together, and the ballot papers counted and verified together.

(2) The hours between 5 in the afternoon and 10 on the following morning may be excluded only with the prior consent of the GLRO.

Result of election (CMER 45, LMER 48, MER 50)

13.—(1) Each CRO shall inform the proper officer of the Authority of the result of the election for the return of the constituency member for the constituency.

(2) The GLRO shall inform the proper officer of the Authority of the result of the elections for the return of the Mayor and the London members.

Countermand or abandonment of poll on death of candidate (CMER 51, MER 56)

14. The countermand of a poll or the direction that a poll be abandoned shall have effect only in relation to the election for the return of a constituency member or, as the case may be, the election for the return of the Mayor, to which the countermand or direction relates.

Effect of candidate being returned both as Mayor and constituency member

15. Subsection (1) of section 39 (local elections void etc. in England and Wales) of the 1983 Act^(a) shall apply in respect of any vacancy arising in an Assembly constituency in the circumstances mentioned in section 4(10) of the 1999 Act as if for the reference to the returning officer there were substituted a reference to the CRO.

(a) Subsection (1) of section 39 is amended by the Local Government Act 1985 (c.51), Schedule 17, the Representation of the People Act 1985 (c.50), section 19(2), and the Greater London Authority Act 1999 (c.29) Schedule 3, paragraph 6. *See also* the definition of “local government area” in subsection (1) of section 203 of the Representation of the People Act 1983 (c.2), amended by the Greater London Authority Act 1999, Schedule 3, paragraph 39(4), and subsection (2) of that section, as substituted by paragraph 39(6) of that Schedule.

FORMS

ARRANGEMENT OF FORMS

- Form 1 Nomination paper: Constituency member and London member (individual) candidates
- Form 2 Nomination paper: London member (party list) candidates
- Form 3 Candidate to be the Mayor of London
- Form 4 Candidate’s consent to nomination
- Form 5 Ballot paper for constituency members elections
- Form 6 Ballot paper for London members elections
- Form 7 Ballot paper for Mayoral elections
- Form 8 Declaration of identity (constituency and mayoral elections otherwise than at ordinary elections)
- Form 9 Declaration of identity (ordinary elections)
- Form 10 Elector’s official poll card
- Form 11 Proxy’s official poll card
- Form 12 Notice for guidance of voters (constituency members and mayoral elections otherwise than at ordinary elections)
- Form 13 Notices for guidance of voters at ordinary elections (where there are more than two candidates for the office of Mayor)
- Form 14 Certificate of employment
- Form 15 Declaration to be made by the companion of a blind voter

Notes: In this Schedule “CMER”, “LMER”, “MER” and “OER” mean the Constituency Members Election Rules, the London Members Election Rules, the Mayoral Election Rules and the Ordinary Elections Rules, respectively; and any reference to a numbered rule is a reference to the rule of that number in the CMER, LMER, MER or OER, as the context requires.

The forms contained in this Schedule may be adapted so far as circumstances require.

Where votes are to be counted by electronic means, the forms for which provision is made in Schedule 6 shall be used instead of forms 5, 6 and 7 in this Schedule.

Forms of nomination paper

CMER rule 6, LMER rule 6

Form 1—Constituency member and London member (individual) candidates
Nomination paper

ELECTION OF CONSTITUENCY/LONDON MEMBERS (INDIVIDUAL CANDIDATE)
OF THE LONDON ASSEMBLY

..... Constituency
(delete if inapplicable)

Date of election

Candidate’s surname

Other names, in full

Description (if any) for ballot paper
(not to exceed 6 words)

Home address, in full
.....
.....

Signature Date

Name (CAPITAL LETTERS)

If this form is not accompanied by the candidate's consent on the appropriate form (Constituency Members Election Rules ('CMER'), rule 7, London Members Election Rules ('LMER') rule 8) and the deposit (CMER rule 8, LMER rule 9), the nomination will not be accepted unless the consent and the deposit are delivered within the time for delivery of nomination papers.

If this form is not accompanied by a certificate from a registered political party (CMER rule 6(4), LMER rule 6(4)) and a request for use of the party emblem, the ballot paper will not contain that emblem, as regards that candidate (CMER rule 15(3), LMER rule 16(4)), unless the certificate and the request are delivered within the time for delivery of nomination papers.

LMER rule 7

Form 2—London member (party list) candidates
Nomination paper

ELECTION OF LONDON MEMBERS (LIST CANDIDATES)
OF THE LONDON ASSEMBLY

Date of election

Name of registered political party

Description for ballot paper (if different)
(not to exceed 6 words)

Candidate's surname Other names, in full Home address, in full

- 1.
- 2.

25.

This list is issued by the party's nominating officer/a person authorised in writing by the party's nominating officer.*

**Delete as appropriate. [If the form is signed by a person authorised by the nominating officer, a copy of the authorisation should be supplied.]*

(Signed) Date.....

Name (CAPITAL LETTERS)

If this form is not accompanied, as respects each candidate, by his consent on the appropriate form (London Members Election Rules ('LMER') rule 8) and the deposit (LMER rule 9), the nomination of that candidate will not be accepted unless the consent and the deposit are delivered within the time for delivery of nomination papers.

If this form is not accompanied by a certificate from a registered political party (LMER rule 6(4)) and a request for use of the party emblem, the ballot paper will not contain that emblem, as regards that candidate (LMER rule 16(4)), unless the certificate and the request are delivered within the time for delivery of nomination papers.

Form 3—Candidate to be the Mayor of London

ELECTION OF THE MAYOR OF LONDON

Date of election

We, the undersigned, being persons entitled to mayoral votes as electors at an ordinary election, do hereby nominate the person whose name appears below as a candidate to be the Mayor of London. At least ten of us are ordinarily resident in the City. In relation to each London borough, at least ten of us are ordinarily resident there.

| Candidate's Surname | Other names in full | Description (if any) | Home address in full |
|---------------------|---------------------|----------------------|----------------------|
| | | | |

| <i>Electoral areas</i> | <i>Signatures</i> | <i>Name (in CAPITALS)</i> | <i>Electoral number (see note 3 below)</i> |
|---|-------------------|---------------------------|--|
| Barking and Dagenham 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. | | | Distinctive Number letter(s) |
| Barnet 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. | | | |
| Bexley 1.–10. | | | |
| Brent 1.–10. | | | |
| Bromley 1.–10. | | | |
| Camden 1.–10. | | | |
| City of London 1.–10. | | | |
| Croydon 1.–10. | | | |
| Ealing 1.–10. | | | |
| Enfield 1.–10. | | | |
| Greenwich 1.–10. | | | |

| | | | |
|-----------------------------------|--|--|--|
| Hackney 1.-10. | | | |
| Hammersmith & Fulham 1.-10. | | | |
| Haringey 1.-10. | | | |
| Harrow 1.-10. | | | |
| Havering 1.-10. | | | |
| Hillingdon 1.-10. | | | |
| Hounslow 1.-10. | | | |
| Islington 1.-10. | | | |
| Kensington & Chelsea 1.-10. | | | |
| Kingston-upon-Thames 1.-10. | | | |
| Lambeth 1.-10. | | | |
| Lewisham 1.-10. | | | |
| Merton 1.-10. | | | |
| Newham 1.-10. | | | |
| Redbridge 1.-10. | | | |
| Richmond-upon-Thames 1.-10. | | | |
| Southwark 1.-10. | | | |
| Sutton 1.-10. | | | |
| Tower Hamlets 1.-10. | | | |
| Waltham Forest 1.-10. | | | |
| Wandsworth 1.-10. | | | |
| Westminster 1.-10. | | | |

NOTES

1. The attention of candidates and election agents is drawn to the rules for filling up nomination papers, and to other provisions relating to nomination and deposits contained in rules 6 to 9 of the Mayoral Election Rules ('MER').

2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

3. A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered) except that before publication of the register his number (if any) in the electors lists for that register shall be used instead.

4. A person whose name is entered in the register or electors lists may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

Form 4—Candidate’s consent to nomination

GREATER LONDON AUTHORITY

ELECTION OF *CONSTITUENCY/*LONDON ASSEMBLY MEMBERS/
*THE MAYOR OF LONDON

**delete as appropriate*

..... Constituency
(delete if inapplicable)

Date of election

Front of form

I (*name in full*)
of (*home address in full*)
.....
.....

hereby consent to my nomination as a candidate for election as *the constituency member for the Assembly constituency of/*a London Member of the London Assembly/
*the Mayor of London. **delete as appropriate*

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, who has attained the age of 21 years, and that—

- *Delete whichever is inappropriate* **(a)* I am registered as a local government elector for the election named above in respect of (*qualifying address in full*)
..... in the London borough of (*insert name of borough*)
and my electoral number (*see Note below*) is ; or
- *(b)* I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant the following land or other premises in that area at (*description and address of land or premises*) ; or
- *(c)* my principal or only place of work during those 12 months has been in that area at (*give address of place of work and, where appropriate, name of employer*) ; or
- *(d)* I have during those 12 months resided in that area at (*give address in full*)

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in section 21 of the Greater London Authority Act 1999, or specified in an order under subsection (1)(b) of that section.

Signed
Date

Signed in my presence

Signature of witness

Name and address of witness
(CAPITAL LETTERS)

Note: A person’s electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered) except that before publication of the register his number (if any) in the electors lists for that register shall be used instead.

Form 5—Ballot paper for constituency members elections

Front of ballot paper

ELECTION OF LONDON ASSEMBLY

[Name of constituency] **CONSTITUENCY MEMBER**

Counterfoil
No.
*The counterfoil
is to have a
number to
correspond with
that on the back
of the ballot
paper*

VOTE [X] ONCE ONLY

| | | <i>Emblem (if any)</i> | Vote |
|----------|---|--|-------------|
| 1 | BASWRA Paresh Baswra 20 Kincade Road, Small Heath, Birmingham B10 9JG Liberal Democrat |  | |
| 2 | CRANLEY Alana Cranley 4 Kennil Road, Perry Bar, Birmingham B32 5JJ Green Party |  | |
| 3 | EDGBASTON Richard Edgbaston 6 Tagwood Lane, Small Heath, Birmingham B10 0BH The Stop the By-Pass Candidate |  | |
| 4 | GUNNIL-WALKER Roger Gunnil-Walker 33 Horsemeadow Lane, Sheldon, Birmingham B25 3GD The Labour Party Candidate |  | |
| 5 | SMITH CATHERINE ANGELINA Smith 21 Terminal Grove, Selly Oak, Birmingham B32 5JP Independent | | |
| 6 | SMITH KEITH JAMES Smith The Links, 3 Kingsdown Road, Birmingham B44 4JN The Conservative Party Candidate |  | |

Back of ballot paper

No.
Election for (insert description of election(s)) on 20 ..

Note: The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing the ballot paper

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

2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—

- (a) no word shall be printed on the face except—
 - (i) the headings “**ELECTION OF LONDON ASSEMBLY**” and “[*Name of constituency*] **CONSTITUENCY MEMBER**”;
 - (ii) the direction “**VOTE [X] ONCE ONLY**”;
 - (iii) the particulars of the candidates; and
 - (iv) words forming part of the emblems;
- (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in sub-paragraph (a) from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked;
- (c) the whole space between the top and the bottom of the paper shall be equally divided between the direction mentioned in sub-paragraph (a) and each of the candidates by the horizontal rules mentioned in sub-paragraph (b).

3. The direction mentioned in sub-paragraph (a)(ii) shall be printed in large capitals.

4. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—

- (a) if his surname is the same as another candidate’s, for his other names; and
- (b) if his other names are also the same as the other candidate’s, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.

5. Where an emblem is to be printed against a candidate’s particulars—

- (a) it shall be printed between the particulars and the vertical rule separating the particulars from the spaces where the vote is to be marked, and
- (b) its size as printed shall not exceed two centimetres square.

6. The number on the back of the ballot paper shall be printed in small characters.

Form 6—Ballot paper for London members elections





Front of ballot paper

ELECTION OF LONDON ASSEMBLY

LONDON MEMBER

VOTE [X] ONCE ONLY

Counterfoil
No.
*The counterfoil
is to have a
number to
correspond with
that on the back
of the ballot
paper*

| | | Emblem (if any) | Vote |
|----------|--|--|------|
| 1 | THE CONSERVATIVE PARTY |  | |
| 2 | THE LABOUR PARTY |  | |
| 3 | THE LIBERAL DEMOCRAT PARTY |  | |
| 4 | EDGBASTON Richard Edgbaston 6 Tagwood Lane, Small Heath, Birmingham B10 0BH The Stop the By-Pass Candidate |  | |
| 5 | SMITH Catherine Angelina Smith 21 Terminal Grove, Selly Oak, Birmingham B32 5JP Independent | | |

Back of ballot paper

No.
Election for (insert description of election(s)) on 20 .

Note: The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—
 - (a) no word shall be printed on the face except—
 - (i) the headings “ELECTION OF LONDON ASSEMBLY” and “LONDON MEMBER”;
 - (ii) the direction “VOTE [X] ONCE ONLY”;
 - (iii) the particulars of the candidates; and
 - (iv) words forming part of the emblems;

- (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in sub-paragraph (a) from the particulars of the parties and individual candidates and the horizontal rules separating the particulars of the parties and candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked;
 - (c) the whole space between the top and the bottom of the paper shall be divided equally between the direction mentioned in sub-paragraph (a) and each of the parties and individual candidates by the horizontal rules mentioned in sub-paragraph (b).
3. The direction mentioned in paragraph 2(a)(ii) shall be printed in large capitals.
 4. The name of each party and the surname of each individual candidate shall in all cases be printed by itself in large capitals.
 5. The full particulars of each individual candidate shall be set out below his surname and shall be printed in ordinary type except that small capitals shall be used—
 - (a) if his surname is the same as another candidate's, for his other names; and
 - (b) if his other names are also the same as the other candidate's, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.
 6. Where an emblem is to be printed against a party's name or the particulars of an individual candidate—
 - (a) it shall be printed between the name or particulars, as the case may be, and the vertical rule separating the name or particulars from the spaces where the vote is to be marked, and
 - (b) its size as printed shall not exceed two centimetres square.
 7. The number on the back of the ballot paper shall be printed in small characters.

Form 7—Ballot paper for Mayoral elections






Front of ballot paper

ELECTION OF MAYOR

Counterfoil

No.
The counterfoil
is to have a
number to
correspond with
that on the back
of the ballot
paper

VOTE ONCE [X] IN EACH COLUMN

| | | Emblem (if any) | 1st Choice | 2nd Choice |
|----------|---|--|---------------|---------------|
| 1 | BASWRA Paresh Baswra 20 Kincade Road, Small Heath, Birmingham B10 9JG Liberal Democrat |  | | |
| 2 | CRANLEY Alana Cranley 4 Kennil Road, Perry Bar, Birmingham B32 5JJ Green Party |  | | |
| 3 | EDGBASTON Richard Edgbaston 6 Tagwood Lane, Small Heath, Birmingham B10 0BH The Stop the By-Pass Candidate |  | | |
| 4 | GUNNIL-WALKER Roger Gunnil-Walker 33 Horsemeadow Lane, Sheldon, Birmingham B25 3GD The Labour Party Candidate |  | | |
| 5 | SMITH CATHERINE ANGELINA Smith 21 Terminal Grove, Selly Oak, Birmingham B32 5JP Independent | | | |
| 6 | SMITH KEITH JAMES Smith The Links, 3 Kingsdown Road, Birmingham B44 4JN The Conservative Party Candidate |  | | |

Back of ballot paper

No.

Election for (insert description of election(s)) on 20 ..

Note: The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—
 - (a) no word shall be printed on the face except the heading “**ELECTION OF MAYOR**”, the direction “**VOTE ONCE [X] IN EACH COLUMN**”, the indications “1st Choice”

- and “2nd Choice”, the particulars of the candidates and words forming part of the emblems;
- (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in sub-paragraph (a) from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked and the vertical rule separating the columns in which the first and second preference votes are to be marked;
 - (c) the whole space between the top and the bottom of the paper shall be divided equally between the direction mentioned in sub-paragraph (a) and each of the candidates by the horizontal rules mentioned in sub-paragraph (b).
3. The direction mentioned in paragraph 2(a) shall be printed in large capitals.
4. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—
- (a) if his surname is the same as another candidate’s, for his other names; and
 - (b) if his other names are also the same as the other candidate’s, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.
5. Where an emblem is to be printed against a candidate’s particulars—
- (a) it shall be printed between the particulars and the vertical rule separating the particulars from the spaces where the vote is to be marked, and
 - (b) its size as printed shall not exceed two centimetres square.
6. The number on the back of the ballot paper shall be printed in small characters.

Form 8—Declaration of identity
(constituency and mayoral elections otherwise than at ordinary elections)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No.

I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature (or mark)

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature

Name of witness

(CAPITAL LETTERS)

Address of witness

(CAPITAL LETTERS)

.....

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. (Constituency Members Election) Vote for **ONE** candidate only. Put no other mark on the ballot paper or your vote may not be counted

OR

2. (Mayoral Election) Vote **ONCE** for your **FIRST CHOICE** and **ONCE** for your **SECOND CHOICE**. Put no other mark on the ballot paper or your vote may not be counted.

3. Mark your vote(s) with a cross (X) to the right of the name of the candidate(s) to whom you wish to give your vote(s). Mark your vote(s) secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper, in order to be counted, must be received by the constituency returning officer not later than the close of the poll.

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same constituency election.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the constituency returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

Form 9—Declaration of identity (ordinary elections)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper Nos.

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter’s signature (or mark)

Witness’s signature

Name of witness

(CAPITAL LETTERS)

Address of witness

(CAPITAL LETTERS)

.....

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. When you are voting in the constituency members election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only.
3. When you are voting in the London members election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the name of the party or candidate of your choice. Vote once only.
4. When you are voting in the Mayoral election (*[insert colour of ballot paper]* ballot paper), vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE. Put no other mark on the ballot paper or your vote may not be counted.
5. Mark all votes secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
6. Put the ballot paper in the small envelope marked “A” and seal it. Then put the envelope marked “A”, together with this declaration of identity, in the larger envelope marked “B”. Return it without delay. The ballot paper, in order to be counted, must be received by the constituency returning officer not later than the close of the poll.
7. If you receive more than one ballot paper *relating to the same election*, remember that it is illegal to vote more than once (otherwise than as proxy) at that election.
8. At these elections you cannot vote in person at a polling station, even if you receive an official poll card.
9. If you inadvertently spoil any postal ballot paper, you can apply to the constituency returning officer for a new one. If you do this YOU MUST RETURN ALL OF THE POSTAL BALLOT PAPERS THAT YOU HAVE RECEIVED, together with the spoilt ballot paper(s). In addition, in your application for new postal ballot papers YOU MUST RETURN, in your own envelope, the declaration of identity and the envelopes marked “A” and “B”. Remember that there is little time available if new postal ballot papers are to be issued and counted.

Form 10—Elector’s official poll card

Front of card

REPRESENTATION OF THE PEOPLE ACTS

OFFICIAL POLL CARD

..... Assembly constituency

Polling Day

Your polling station will be
.....

Polling hours

*[8 a.m. to 9 p.m.] [7 a.m. to 9 p.m.]

**The words in the first set of brackets are to be omitted where the election is the first ordinary election. The words in the second set of brackets are to be used only for the first ordinary election.*

Number on Register
Name
Address
.....

Back of card

GREATER LONDON AUTHORITY

[*CONSTITUENCY/*MAYORAL/*ORDINARY ELECTION]

**delete as the circumstances require*

You need not take this card with you when you go to the polling station, but it will save time if you take it and show it to the clerk there.

When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The presiding officer will give you a ballot paper; see that he stamps the official mark on it before he gives it to you.

Go to one of the compartments. If you are voting in a constituency members or London members election, mark a cross (X) to the right of the name of the candidate of your choice. If you are voting in a Mayoral election, where you have two votes, mark a cross (X) to the right of the names of the candidates of your choice.

*[Fold the ballot paper in two.] [Do not fold the ballot paper.] [Show the official mark to the presiding officer, but] do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

**If votes are to be counted electronically, omit the words in the first and third sets of brackets. If votes are to be counted manually, omit the words in the second set of brackets.*

*In a constituency members or London members election, vote **ONCE ONLY in each election.**

*In a Mayoral election **VOTE ONCE FOR YOUR FIRST CHOICE AND ONCE FOR YOUR SECOND CHOICE.** Put no other mark on the ballot paper, or your vote may not be counted.

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

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will *not* be entitled to vote in person at this election, so please ignore this poll card.

ISSUED BY THE RETURNING OFFICER

Form 11—Proxy’s official poll card

Front of card

REPRESENTATION OF THE PEOPLE ACTS
GREATER LONDON AUTHORITY

PROXY’S OFFICIAL POLL CARD

Proxy’s name

Proxy’s address

GREATER LONDON AUTHORITY
*CONSTITUENCY/*MAYORAL/*ORDINARY ELECTION

*(delete as appropriate)

..... CONSTITUENCY

Polling day

The poll will be open from *[8 a.m. to 9 p.m.] [7 a.m. to 9 p.m.]

**The words in the first set of brackets are to be omitted where the election is the first ordinary election. The words in the second set of brackets are to be used only for the first ordinary election.*

Back of card

The elector named below whose proxy you are is entitled to vote at the polling station—

.....
.....

To vote as proxy you must go to that polling station. Tell the clerk that you wish to vote as proxy; give the name and qualifying address of the elector, as follows—

Number on register

Name

Address

The presiding officer will give you the elector’s ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote at this election for more than two persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may himself vote in person at this election if he is able, and wishes, to do so and if he votes before you vote on his behalf.

ISSUED BY THE RETURNING OFFICER

Form 12—Notice for guidance of voters
(constituency members and Mayoral elections otherwise than at ordinary elections)

GUIDANCE FOR VOTERS

1. When you are given a ballot paper, make sure that it is stamped with the official mark.
2. Go to one of the compartments. *In a constituency members election, vote for **ONE** candidate only. *In a Mayoral election **VOTE ONCE FOR YOUR FIRST CHOICE AND ONCE FOR YOUR SECOND CHOICE**. Put no other mark on the ballot paper, or your vote may not be counted.

**delete as appropriate*

3. *[Fold the ballot paper in two.] [Do not fold the ballot paper.] [Show the official mark to the presiding officer, but] do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

**If votes are to be counted electronically, omit the words in the first and third sets of brackets. If votes are to be counted manually, omit the words in the second set of brackets.*

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

Form 13—Notices for guidance of voters at ordinary elections
(where there are more than two candidates for the office of Mayor)

Notice A—for display inside polling stations

use where votes are not to be counted electronically

“GREATER LONDON AUTHORITY—ORDINARY ELECTION

1. When you are given your ballot papers, make sure that each of them is stamped with the official mark.
2. The ballot paper for the election of constituency members of the London Assembly looks like this—

insert the appropriate form

Vote for ONE candidate only. Put no other mark on the ballot paper, or your vote may not be counted.

3. The ballot paper for the election of the London members of the London Assembly looks like this—

insert the appropriate form

Vote for ONE party or candidate only. Put no other mark on the ballot paper, or your vote may not be counted.

4. The ballot paper for the election of the Mayor of London looks like this—

insert the appropriate form

Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE. Put no other mark on the ballot paper, or your vote may not be counted.

5. When you have marked your votes, fold each of the ballot papers in two, keeping them separate. Show the official mark to the presiding officer, but do not let anyone see your votes. Put the ballot papers in the ballot box(es) and leave the polling station.

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

Notice B—for display inside polling stations
use where votes are to be counted electronically

“GREATER LONDON AUTHORITY—ORDINARY ELECTION

1. You will be given two ballot papers.
2. The ballot paper for the election of the Mayor of London looks like this—

[insert photo-enlargement]

Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.

Put no other mark on the ballot paper, or your vote may not be counted.

3. The ballot paper for the election of members of the London Assembly looks like this—

[insert photo-enlargement]

Vote ONCE for your constituency member and ONCE for a London member.

Put no other mark on the ballot paper, or your vote may not be counted.

4. When you have voted, **DO NOT FOLD** the ballot papers. Turn them over so that no-one can see how you voted. Put both ballot papers in the ballot box and leave the polling station.

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

Notice C—for display inside polling stations

“ELECTION OF LONDON MEMBERS OF THE LONDON ASSEMBLY

The following candidates have been nominated by the registered political parties indicated below as candidates to represent them in the London Assembly:

*insert particulars of parties and list candidates in the format required by
LMER rule 11(2)(a) and (b).”*

Notice D1—for display inside polling booths

use where votes are to be counted manually

“ELECTION OF THE MAYOR OF LONDON

On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.

ELECTION OF THE LONDON ASSEMBLY

On the constituency members ballot paper vote for ONE candidate only.

On the London members ballot paper vote for ONE party or individual candidate only.”

Notice D2—for display inside polling booths

use where votes are to be counted electronically

“ELECTION OF THE MAYOR OF LONDON

(**White** ballot paper)

Vote ONCE for your first choice and ONCE for your second choice.

ELECTION OF THE LONDON ASSEMBLY

(**Yellow** ballot paper)

Vote ONCE for your constituency member and ONCE for a London member.

DO NOT FOLD your ballot papers.

Post them, face downwards, in the ballot box.”

**MODIFICATION OF RULES WHERE VOTES
COUNTED BY ELECTRONIC MEANS**

1. In this Schedule—

“CMER” means the Constituency Members Election Rules;

“LMER” means the London Members Election Rules;

“MER” means the Mayoral Election Rules; and

any reference to a numbered form is a reference to the form of that number in the Forms Schedule(a).

2. Where votes are counted by electronic means, the CMER, the LMER and, subject to paragraph 4, the MER, shall have effect as if—

- (a) any reference to the counting of votes, in whatever terms, included a reference to counting by electronic means;
- (b) CMER 16, LMER 17 and MER 17 (the official mark) were omitted;
- (c) in the rule bearing the number set out in column (1) of the Table below—
 - (i) where there is an entry in respect of that rule in column (2) but no corresponding entry in column (3), the words set out, or the paragraph or sub-paragraph specified, in column (2) were omitted;
 - (ii) where there are entries in both columns (2) and (3), for the sub-paragraph specified, or for the words set out, in column (2) there were substituted the sub-paragraph or words set out in column (3);
 - (iii) where there is an entry in respect of that rule in column (4), the words set out in that column were inserted in the position specified; and
- (d) for forms 5, 6 and 7 there were substituted forms which comply with the directions for printing set out in paragraph 3.

TABLE

| (1) <i>Rule</i> | (2) <i>Paragraph, sub-paragraph or words omitted (if any)</i> | (3) <i>Sub-paragraphs or words substituted (if any)</i> | (4) <i>Words inserted (if any)</i> |
|---|--|--|---|
| CMER 22 LMER 23 MER23 (appointment of presiding officers and clerks) | | | after the words “such clerks”, the words “and technical assistants” |
| CMER 27 LMER 28 MER 28 (admission to polling station) | | | after the words “the clerks”, the words “and technical assistants” |
| CMER 32 LMER 33 MER 33 (voting procedure) | In paragraph (1), sub-paragraph (a); In paragraph (2)— “and fold it up so as to conceal his vote,”; “so as to disclose the official mark,”; and “so folded up” | | |

(a) See Schedule 5 to the Greater London Authority Elections Rules 2000.

| (1) <i>Rule</i> | (2) <i>Paragraph, sub-paragraph or words omitted (if any)</i> | (3) <i>Sub-paragraphs or words substituted (if any)</i> | (4) <i>Words inserted (if any)</i> |
|--|--|--|---|
| CMER 39 (attendance at counting of votes) LMER 40 MER 40 (attendance at local count) | | | after “his clerks”, the words “or his technical assistants” |
| CMER 40 (the count) | sub-paragraph (d) of paragraph (1) and paragraphs (3) and (6) | | |
| LMER 41 (the local count) | sub-paragraph (d) of paragraph (1) in paragraph (2) “shall mix together all of the ballot papers used in the Assembly constituency at the London members election and” | | |
| MER 41 (the local count) | sub-paragraph (d) of paragraph (1) in paragraph (3), the words from “mix together” to “and” paragraph (6) | | |
| CME 41, LMER 42 (rejected ballot papers) | | | In paragraph (3), at the end, “but no such endorsement need be made where a ballot paper is rejected because no mark has been placed on it” |
| MER 42 (rejected ballot papers) | | | In paragraph (4), at the end, “but no such endorsement need be made where a ballot paper that is not rejected on other grounds discloses no mark in the columns headed “1st Choice” and “2nd Choice”” |
| MER 45 (procedure at conclusion of local count) | Sub-paragraphs (c) and (d) of paragraph (1) | “(c) the way in which voters have cast their votes” | |
| MER 47 (the first calculation and resolution of equality) | Paragraphs (1) to (3) and (4)(b) and, in paragraph (6) the words “an election is contested by only two candidates and” In paragraph (6), “them” | “the candidates” | |

| | |
|--|--|
| MER 48 (the count of second preference votes) | paragraphs (1) and (3) to (5) |
| MER 49 (the second calculation and resolution of equality) | paragraphs (2) to (4) and, in paragraph (1), the words “(as applied by rule 48)” |

3. The directions for printing referred to in paragraph 2(d) are—

Directions as to printing the ballot paper

1. The ballot paper shall contain no words or marks other than—
 - (a) the headings (as appropriate) “ELECTION OF THE LONDON ASSEMBLY”, “YOU HAVE TWO VOTES”, “[*NAME OF CONSTITUENCY*] CONSTITUENCY MEMBER” “LONDON MEMBER” and “ELECTION OF MAYOR”;
 - (b) those necessary—
 - (i) to give effect to the provisions of CMER 15(2)(a), (c) and (d), LMER 16(3)(b), (d) and (e) and MER 16(3)(b), (d) and (e) and to paragraph 2 below; and
 - (ii) for its recognition and counting by the electronic counting equipment;
 - (c) the instruction (to be inserted on the back of ballot papers other than postal ballot papers) “DO NOT FOLD”;
 - (d) on the ballot paper for the election of the Mayor—
 - (i) the instruction “VOTE ONCE IN EACH COLUMN”;
 - (ii) adjacent to the columns in which the first preference vote and the second preference vote are to be marked, the words “1st Choice” and “2nd Choice”, respectively;
 - (iii) immediately below those words, a representation of an arrowhead; and
 - (e) on the ballot paper for the election of the London Assembly—
 - (i) adjacent to the columns in which the vote for the constituency member and the vote for the London member are to be marked, the instruction “VOTE ONCE ONLY”; and
 - (ii) immediately below those words, a representation of an arrowhead.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—
 - (a) the space allocated to the names of the candidates shall be divided equally between them;
 - (b) different fonts and sizes of character may be used for—
 - (i) surnames,
 - (ii) other names,
 - (iii) addresses, or
 - (iv) other particulars,
 but fonts and sizes of character shall not otherwise vary as between the surnames, other names, addresses and other particulars of any of the candidates;
 - (c) the space allocated to the emblem of each candidate whose request for the appearance on the ballot paper of his party’s registered emblem (or one of them) has been duly made shall be the same as that allocated to the emblem of every other such candidate;
 - (d) where an emblem is to be printed against a candidate’s particulars it shall be printed between the column where the candidate’s number on the ballot paper is printed and the column in which the candidate’s particulars are printed;

- (e) on the back of the ballot paper the number shall be printed in small characters; and
- (f) the instruction referred to in paragraph 1(c) shall be printed in large capital letters.

SCHEDULE 7

Rule 8

POLL AT ELECTION OF COUNCILLORS OF LONDON BOROUGH TAKEN TOGETHER WITH POLL AT GREATER LONDON AUTHORITY ELECTION

PART I AMENDMENTS TO THE LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 1986

1. At the end of rule 4 (interpretation) there shall be added—

“GLA election” means an election under one or more of—

- (a) the Constituency Members Election Rules,
- (b) the London Members Election Rules,
- (c) the Mayoral Election Rules, and
- (d) the Ordinary Elections Rules;

and expressions used in both these Rules and in any provision of the Greater London Authority Elections Rules 2000 have the same meaning for the purposes of these Rules as they have for the purposes of that provision.”.

2. In rule 5 for “36(3)” there is substituted “36(2A), (3)”.

3. After rule 7 (combination under section 15(1) or (2) of the Act of 1985) there shall be inserted—

“Combination under section 36(2A) of the Act of 1983

7A.—(1) In the application of the parliamentary elections rules to the election of councillors of the council of a principal area where the poll at that election is taken together with the poll at a GLA election, adaptations, alterations and exceptions shall be made to those rules so that the election is conducted in accordance with the rules set out in Schedule 2 to these Rules, subject to—

- (a) the modifications set out in paragraphs 2 to 24 of Schedule 4 to these Rules; and
- (b) subject to paragraphs (2) and (3), the further modifications set out in Part II of Schedule 7 to the Greater London Authority Elections Rules 2000.

(2) The further modifications set out in paragraphs 1 and 5 of Part II of Schedule 7 to the Greater London Authority Elections Rules 2000 shall apply only where the GLA election is the first ordinary election.

(3) The further modification set out in paragraph 3 of Part II of Schedule 7 to the Greater London Authority Elections Rules 2000 shall apply only where the votes at a GLA election are to be counted by electronic means.”.

PART II
FURTHER MODIFICATIONS OF THE RULES SET OUT
IN THE LOCAL ELECTIONS (PRINCIPAL AREAS)
RULES 1986 AND REFERRED TO IN RULE 7A OF
THOSE RULES

1. In rule 1 (timetable), in the entry relating to polling, for “8 in the morning” there shall be substituted “7 in the morning”.
2. In rule 23 (equipment of polling stations)—
 - (a) in paragraph (1A)(a) for “The same”, there shall be substituted “Subject to paragraph (1B), the same”;
 - (b) after paragraph (1A) there shall be inserted—

“(1B) Where the poll at a principal area election is taken together with the poll at a GLA election, a separate ballot box shall be used for the principal area election.”;
 - (c) the paragraph substituted by paragraph 6 of Schedule 4 shall be re-numbered “(5A)”;
 - (d) after that paragraph there shall be added—

“(5B) Where the poll at a principal area election is taken together with the poll at any GLA election, in every compartment of every polling station there shall be exhibited the notice—

“GREATER LONDON AUTHORITY

ELECTION OF [*complete as appropriate*]

*On the ballot paper for the election of a constituency member vote ONCE only.

*On the ballot paper for the election of a London member vote ONCE only.

*On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.”.

**include or omit, as appropriate*

3. In rule 39 (the count), in paragraph (1) (as substituted by paragraph 18 of Schedule 4), for the words from the beginning to the end of sub-paragraph (g) there shall be substituted—

“(1) Where the CRO discharges the functions specified in regulation 98 (functions at combined polls) of the Representation of the People Regulations 1986, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the GLA election open each ballot box;
- (b) separate the ballot papers relating to the GLA election from the ballot papers relating to the principal area election;
- (c) in the presence of the election agents appointed for the purposes of the GLA election verify each ballot paper account relating to that election;
- (d) count such of the postal ballot papers as have been duly returned at the GLA election and record the number counted at that election;
- (e) make up into packets the ballot papers relating to the principal area election (including any postal ballot papers that have been duly returned) and seal them in separate containers endorsing on each a description of the polling station to which the ballot papers relate;

(a) See paragraph 5 of Schedule 4 to the 1986 Rules.

- (f) deliver or cause to be delivered to the returning officer at the principal area election—
 - (i) the containers referred to in sub-paragraph (d), together with a list of them and the contents of each; and
 - (ii) the ballot paper account relating to the principal area election; and”.

4. In the Appendix of forms—

- (a) in the form substituted by paragraph 21(1)(a) of Schedule 4 to the Local Elections (Principal Areas) Rules 1986 (set out in paragraph 21(2) of that Schedule)—
 - (i) for “Ballot Paper Nos”, substitute “Ballot Paper No(s)”; and
 - (ii) in paragraph 2 of the section entitled “INSTRUCTIONS TO THE VOTER”, for the words from the beginning to the end of the bracket, substitute “[At the election vote for one candidate only.] At the election vote for no more than candidates.] [At the Mayoral election, vote once for your first choice and once for your second choice.]”;

and

- (b) for paragraphs 2 and 3 of the section entitled “INSTRUCTIONS TO THE VOTER” in the form substituted by paragraph 21(1)(b) of Schedule 4 to the Local Elections (Principal Areas) Rules 1986 (set out in paragraph 21(3) of that Schedule), substitute—

“2. When you are voting in the constituency members election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only.

2A. When you are voting in the London members election *[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the name of the party or candidate of your choice. Vote for one candidate only.

2B. When you are voting in the Mayoral election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the names of the candidates of your choice. You may vote for two candidates.

3. Mark all your votes secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.”.

- 5. In the Appendix of forms, in the form of official poll card and the form of a proxy’s official poll card, for the words substituted by paragraph 22 of Schedule 4, there shall be substituted “7 a.m. to 9 p.m.”.

MODIFICATIONS TO APPLY WHERE THE POLL AT A GLA ELECTION IS TAKEN TOGETHER WITH THE POLL AT ANOTHER ELECTION UNDER SECTION 15(1) OR (2) OF THE REPRESENTATION OF THE PEOPLE ACT 1983

1. In this Schedule—

“GLA constituency” means an area for the time being specified in an order made by the Secretary of State under section 2(4) of the Greater London Authority Act 1999(a);

“GLA election” means an election under one or more of—

- (a) the Constituency Members Election Rules,
- (b) the London Members Election Rules,
- (c) the Mayoral Election Rules, and
- (d) the Ordinary Elections Rules;

and expressions used in both this Schedule and in any of Schedules 1, 2 and 3 to the Greater London Authority Elections Rules 2000 have the same meaning for the purposes of this Schedule as they have for the purposes of that Schedule.

TABLE

| (1) <i>Provision</i> | (2) <i>Modification</i> |
|--|---|
| CMER 3 LMER 3 MER 3 (timetable) | for “8 in the morning and 9” substitute “7 in the morning and 10” |
| CMER 15 LMER 16 MER 16 (the ballot papers) | Add at the end of paragraph (2)— “(e) shall be of a different colour from that of any ballot papers used at an election the poll at which is taken together with the poll at the GLA election” |
| CMER 19 LMER 20 MER 20 (notice of poll) | Add at the end— “(4) The notice published under paragraph (3) shall— (a) state that the poll at the GLA election is to be taken together with the poll at a parliamentary election or a European Parliamentary election or, as the case may be, a London borough election; (b) specify the parliamentary constituency or European Parliamentary constituency or, as the case may be, the relevant London borough and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and (c) where the polls are to be taken together in part of the Borough only, specify that part.” |
| CMER 23 LMER 24 MER 24 (issue of official poll cards) | Add at the end— “(5) An official poll card issued under this rule may be combined with the official poll card issued at the parliamentary election or European Parliamentary election or, as the case may be, the London borough election.” |

(a) 1999 c.29.

| (1) <i>Provision</i> | (2) <i>Modification</i> |
|--|---|
| CMER 24 LMER 25 MER 25 (equipment of polling stations) | For paragraph (2) substitute— “(2) Separate ballot boxes shall be used at the polls at the GLA election and at the poll at the other elections with which the poll at the GLA election is taken.” For paragraph (5) substitute— “(5) In every compartment of every polling station there shall be exhibited notices in the appropriate form, which shall be printed on paper of the same colour as that of the ballot papers for use at the election to which the notice in question relates.” |
| CMER 25 LMER 26 MER 26 (appointment of polling and counting agents) | At the end of paragraph (6) add— “Notices of the appointment of polling agents which are required by this paragraph and paragraphs (7) and (8) to be given to the CRO shall be given to the returning officer who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986”(a) |
| CMER 32 LMER 33 MER 33 (voting procedure) | Add at the end— “(4) The same copy of the register of electors may be used under paragraph (1) for each election and one mark may be placed in that register under paragraph (1)(d) to denote that a ballot paper has been received in respect of each election; except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register so as to identify the election in respect of which the ballot paper was issued.” |
| CMER 33 LMER 34 MER 34 (votes marked by presiding officer) | Add at the end of paragraph (2)— “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.” |
| CMER 34 LMER 35 MER 35 (voting by blind persons) | Add at the end of paragraph (4)— “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.” |
| CMER 35 LMER 36 MER 36 (tendered ballot papers) | Add at the end of paragraph (3)— “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.” |
| CMER 37 LMER 38 MER 38 (adjournment of poll in case of riot) | At the end of paragraph (1) insert— “who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986” |
| CMER 38 LMER 39 MER 39 (procedure on close of poll) | After paragraph (1) insert— “(1A) The contents of the packets referred to in subparagraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under the corresponding rule that applies at a parliamentary election, European Parliamentary election or, as the case may be, London borough election; nor shall the statement prepared under paragraph (3) be so combined. |

(a) S.I. 1986/1081.

| (1) <i>Provision</i> | (2) <i>Modification</i> |
|--|---|
| | (1B) References to the CRO in paragraph (1) are references to the returning officer who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986.” |
| CMER 39(1) (attendance at counting of votes) LMER 40(1) (attendance at local count) MER 40(1) (attendance at local count) | <p>For paragraph (1) substitute—</p> <p>“(1) Where the CRO discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986, he shall make arrangements for discharging the functions in rule 40 of the Constituency Members Election Rules and rule 41 of the London Members Election Rules and the Mayoral Election Rules (as modified in accordance with the Table in Schedule 8 to the Greater London Authority Elections Rules 2000) (“CMER 40 and LMER and MER 41 as modified”) in the presence of the counting agents appointed for the purposes of the GLA election as soon as practicable after the close of the poll and for thereafter counting the votes at the election in the presence of those agents, and he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under those rules (as so substituted).</p> <p>(1A) Where the CRO does not discharge the functions first mentioned in paragraph (1), he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and the CRO shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.”.</p> |
| CMER 40(2) and (3) | <p>In paragraph (2), before “at the counting of the votes” insert “at the proceedings under CMER 40 and LMER and MER 41 as modified or”.</p> <p>In paragraph (3)—</p> <p>(a) before “counting of the votes” in the first place where they occur, insert “proceedings under CMER 40 and LMER and MER 41 as modified or the”; and</p> <p>(b) before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”.</p> |
| LMER 40(2) and (3) | <p>In paragraph (2), before “at a local count” insert “at the proceedings under CMER 40 and LMER and MER 41 as modified or”.</p> <p>In paragraph (3), before “a local count”, insert “proceedings under CMER 40 and LMER and MER 41 as modified or”.</p> |
| MER 40(2) and (3) | <p>In paragraph (2), before “at a local count” insert “at the proceedings under CMER 40 and LMER and MER 41 as modified or”.</p> <p>In paragraph (3)—</p> <p>(a) before “a local count”, insert “proceedings under CMER 40 and LMER and MER 41 as modified or”; and</p> <p>(b) before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”.</p> |
| CMER 40 LMER 41 MER 41 (the count) | <p>For paragraphs (1) and (2) substitute—</p> <p>“(1) Where the returning officer at the GLA election discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986, he shall—</p> <p>(a) in the presence of the counting agents appointed for the purposes of the GLA election open each ballot box and record separately the number of ballot papers used in each election;</p> |

| (1) <i>Provision</i> | (2) <i>Modification</i> |
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| | <ul style="list-style-type: none"> (b) in the presence of the election agents appointed for the purposes of the GLA election verify each ballot paper account; (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election; (d) separate the ballot papers relating to the GLA election from the ballot papers relating to the parliamentary election, the European parliamentary election or, as the case may be, the London borough election; (e) make up into packets the ballot papers for each election other than the GLA election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate; (f) deliver or cause to be delivered to the returning officer for the election to which the ballot papers relate— <ul style="list-style-type: none"> (i) those containers, together with a list of them and of the contents of each; and (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and (g) at the same time deliver to that officer packets that so relate containing— <ul style="list-style-type: none"> (i) the unused and spoilt ballot papers, (ii) the tendered ballot papers, and (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll. |

In the application of this paragraph to combined polls at GLA and London borough elections, it shall have effect as if after “GLA election” in the first place where those words occur, and in subparagraphs (d) and (e), there were inserted “for which he is the returning officer”.

(2) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the GLA election and count the votes given on them.

(2A) Where the returning officer at the GLA election does not discharge the functions specified in regulation 98 of the Representation of the People Regulations 1986, he shall—

- (a) on receipt of those containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 38(1A) (as substituted by Schedule 4 to the Local Elections (Principal Areas) Rules 1986) open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under regulation 78 of the Representation of the People Regulations 1986, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (6) does not apply to these proceedings.”

| (1) <i>Provision</i> | (2) <i>Modification</i> |
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| CMER 50 LMER 51 MER 51 (delivery of documents) | Add at the end of paragraph (1)— “At an election where the CRO does not discharge the functions referred to in regulation 98 of the Representation of the People Regulations 1986, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted.” |
| CMER 51 MER 56 (countermand or abandonment of poll) | Add at the end of paragraph (1)— “Provided that neither the countermand of the poll at the GLA election nor the direction that the poll be abandoned shall affect the poll at the parliamentary election, European Parliamentary election or, as the case may be, London borough election” Substitute for paragraph (2)— “(2) Where the poll at the GLA election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the parliamentary election, European Parliamentary election or, as the case may be, London borough election, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required to do if the poll at the GLA election had not been abandoned, and the returning officer shall dispose of ballot papers used at the GLA election (at which a candidate has died) as he is required to do on the completion in due course of the counting of the votes, but— <ul style="list-style-type: none"> (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified; and (b) the CRO, having separated the ballot papers relating to the parliamentary election, European Parliamentary election or, as the case may be, London borough election, shall take no step or further step for the counting of the ballot papers used at the GLA election (at which a candidate has died) or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.” |

EXPLANATORY NOTE

(This note is not part of the Rules)

The Greater London Authority Act 1999 (“the 1999 Act”) provides for a new authority for Greater London, comprising the Mayor of London and the London Assembly. The latter will consist of 25 members of whom 14 will be “constituency members” and 11 will be “London members”.

The procedures for the return of the Mayor, the London members and the constituency members are contained primarily in section 4 of the 1999 Act, but other provisions, of particular relevance to the election of the Mayor and the London members, will be found in Schedule 2 to that Act.

These Rules make detailed provision for elections to the office of Mayor and of the members of the London Assembly. The election of the constituency members is to be conducted in accordance with the rules set out in Schedule 1 to the Rules. The election of the London members is to be conducted in accordance with the rules set out in Schedule 2. The election of the Mayor of London is to be conducted in accordance with the rules set out in Schedule 3. At an ordinary election, where the constituency members, the London members and the Mayor are elected on the same occasion, the rules in Schedules 1 to 3 are adapted in accordance with the provisions of Schedule 4. At an election where votes are to be counted by electronic means, the rules in Schedules 1 to 3 are further adapted in accordance with Schedule 6.

Schedule 5 contains the forms that are to be used in some or all of the elections and, in relation to some of the forms, directions for their printing. Where votes are to be counted by electronic means, forms which comply with the directions set out in Schedule 6 are to be used instead of forms 5, 6 and 7 in Schedule 5.

Schedule 7 to the Rules is concerned with amendments and modifications to the Local Elections (Principal Areas) Rules 1986 where the poll at a Greater London Authority election is combined with the poll at an election of London borough councillors. Schedule 8 to the Rules makes provision for the modification of the rules in Schedules 1 to 3 that apply to Greater London Authority elections where the poll is taken together with the poll at a parliamentary, European Parliamentary or London borough election under section 15(1) or (2) of the Representation of the People Act 1983.

The Rules also apply in relation to the filling of vacancies in the office of the Mayor (to which section 16 of the 1999 Act is relevant) and to filling vacancies among the constituency members (to which section 10 of the 1999 Act is relevant). The procedure for the filling of vacancies among the London members is governed primarily by section 11 of the 1999 Act.

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E 225 02/00 570/1 2844 343296 (117395)