

**2004 No. 225**

**LOCAL GOVERNMENT, ENGLAND AND WALES**

**The Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2004**

*Made* - - - - - *12th March 2004*

*Coming into force* - - - *13th March 2004*

The First Secretary of State, in exercise of the powers conferred upon him by sections 44 and 105 of the Local Government Act 2000(a), having consulted the Electoral Commission as required by subsection (3A) of section 44 of that Act(b), hereby makes the following Regulations, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

**Citation and commencement**

1. These Regulations may be cited as the Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2004 and shall come into force on the day after that on which they are made.

**Amendment of mayoral elections rules**

2.—(1) The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(c) shall be amended as follows.

- (2) In regulation 2 (interpretation), insert in the appropriate place in alphabetical order—
- “election” or “mayoral election” means an election for the return of an elected mayor;
  - “European Parliamentary election” shall have the same meaning as in section 27(1) of the Representation of the People Act 1985(d);
  - “local government election” shall have the same meaning as in section 203(1) of the 1983 Act(e);
  - “referendum” means a referendum conducted under the Referendums Regulations;
  - “relevant election or referendum” means one or more of the following—
    - (a) a Parliamentary election(f);
    - (b) a European Parliamentary election;
    - (c) a local government election;

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(a) 2000 c. 22.  
(b) Subsection (3A) was inserted by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21, paragraph 18.  
(c) S.I. 2002/185.  
(d) 1985 c. 50.  
(e) See the Representation of the People Act 1983 (c. 2); section 203(1) was amended by paragraphs 39(1) and (4) of Schedule 3 to the Greater London Authority Act 1999 (c. 29).  
(f) For the definition of “Parliamentary election”, see the Interpretation Act 1978 (c. 30), Schedule 1.

- (d) another mayoral election; and
  - (e) a referendum,
- the poll at which is taken together with the poll at the mayoral election;
- (3) In regulation 3(2), for the words “regulations 5 and 6”, substitute “regulation 6”.
  - (4) For regulation 5 (combination of polls), substitute—

**“Combination of polls**

**5.** Where the poll at a mayoral election is taken together with the poll at a relevant election or referendum<sup>(a)</sup>, the Mayoral Elections Rules shall be modified so as to have effect as set out in Schedule 3.”

- (5) In Schedule 1 in the Appendix of forms, in paragraph 7 of the form for the back of the Declaration of Identity, delete the words “and the envelopes marked “A” and “B””.
- (6) In Schedule 2, Table 4 shall cease to have effect.
- (7) For Schedule 3, substitute the schedule set out in the Schedule to these Regulations.

Signed by authority of the First Secretary of State

12th March 2004

*Nick Raynsford*  
Minister of State  
Office of the Deputy Prime Minister

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(a) Provisions as to the combination of polls at elections including mayoral elections are contained in section 36 of the Representation of the People Act 1983 and section 15 of the Representation of the People Act 1985 (c. 2) as applied by these Regulations, and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298).

SCHEDULE Regulation 2(7)  
REPLACEMENT FOR SCHEDULE 3 TO THE MAYORAL ELECTIONS RULES

SCHEDULE 3 Regulation 5  
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## PART 1

### GENERAL PROVISIONS

#### Citation

1. These Rules may be cited as the Mayoral Elections (Combination of Polls) Rules.

#### Interpretation

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

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

“Assembly constituency” shall have the same meaning as in section 2(4) and (5) of the Greater London Authority Act 1999(a);

“candidate” means a candidate to be the elected mayor;

“the Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(b);

“counting observer” shall have the same meaning as in regulation 2(1) of the Referendums Regulations;

“counting officer” shall have the same meaning as in regulation 2(1) of the Referendums Regulations;

“GLRO” means the Greater London returning officer, being the person who is for the time being the proper officer of the Greater London Authority for the purposes of section 35(2C) of the 1983 Act or any person acting on his behalf;

“local counting area” shall have the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004(c);

“petition organiser” shall have the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000(d);

“polling observer” shall have the same meaning as in regulation 2(1) of the Referendums Regulations;

“returning officer”, in relation to an election, means—

- (a) the proper officer of the London borough concerned or, as the case may be, the person appointed as the returning officer for the election in accordance with subsection (1) or (1A) of section 35 (returning officers: local elections in England and Wales)(e) of the 1983 Act; and
- (b) any person appointed under subsection (4) of that section by a person of a description mentioned in paragraph (a);

“voting area” shall have the same meaning as in regulation 2 of the Referendums Regulations.

- (2) In the case of a referendum, a reference to—

- (a) a “candidate” shall be construed as a reference to a petition organiser;
- (b) an “election agent” or a “counting agent” shall be construed as a reference to a counting observer;
- (c) a “polling agent” shall be construed as a reference to a polling observer; and
- (d) a “returning officer” shall be construed as a reference to a counting officer.

- (3) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

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(a) 1999 c. 29.

(b) S.I. 2004/\*\*\*\*.

(c) S.I. 2004/\*\*\*\*.

(d) S.I. 2000/2852.

(e) Section 35(1) was amended, and section 35(1A) inserted, by the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraph 68(7). Subsections (1), (1A) and (3) of section 35 are modified, for the purposes of mayoral elections, by regulation 3(2) of, and Table 1 in Schedule 2 to, these Regulations. For the definition of “proper officer”, relevant to section 35(3), see section 202(1) of the Representation of the People Act 1983, as substituted by the Greater London Authority Act 1999, Schedule 3, and section 270 of the Local Government Act 1972 (c. 70).

PART II  
PROVISIONS AS TO TIME

**Timetable**

3. 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, except that where the poll at the mayoral election is combined with the poll at a European Parliamentary election, nomination papers may be delivered until 4 in the afternoon.
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, except where the polling at any relevant election or referendum is to take place between the hours of 7 in the morning and 10 at night, in which case the polling at the mayoral election shall also take place during those hours.

**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 returning officer 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 returning officer in order that they may be effective for the election.

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(a) 1971 c. 80.

### **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 returning officer, which shall be at the offices of the council of the county, county borough, district or London borough in which the electoral area wholly or mainly lies.
- (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, which may not comprise more than six words, must consist of either—
- (a) that authorised as mentioned in paragraph (5); or
  - (b) the word “Independent”.
- (5) A nomination paper may not include a description of a candidate that is likely to lead voters to associate the candidate with a registered political party unless—
- (a) the party is a qualifying party in relation to the electoral area; and
  - (b) the description is authorised by a certificate—
    - (i) issued by or on behalf of the registered nominating officer of the party, and
    - (ii) received by the returning officer 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 political party's nominating officer.
- (7) In this rule, “registered political party” means a party which was registered under Part II (registration of political parties) of the PPER Act at the time by which the notice of election is required to be published by virtue of rule 1 (“the relevant time”); and a registered political party is a qualifying party in relation to an electoral area if, at the relevant time, it was registered in respect of England or Wales in the Great Britain register maintained under that Part.

### **Subscription of nomination paper**

- 7.—(1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by twenty-eight other electors as assenting to the nomination.
- (2) Where a nomination paper has the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.
- (3) The nomination paper shall give the electoral number of each person subscribing it.
- (4) The returning officer—
- (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
  - (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 returning officer.
- (5) In this rule, “elector” means a person who, on the last day for publication of notice of the election, is registered in the register of local government electors for the electoral area in question; but if he is then below voting age, only if it appears from the register that he will be of voting age on the day fixed for the poll.

### **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 £500 is deposited by him or on his behalf, with the returning officer 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 returning officer's consent, in any other manner,

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

(2) The returning officer 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) Subject to paragraph (4), as soon as practicable after each nomination paper has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.

(4) If the returning officer is of the opinion that a nomination paper contravenes rule 6(5), he shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers.

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

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

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

(8) Subject to paragraph (7), 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 returning officer 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 returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer 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 returning officer 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.** If, after any 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 Appendix to these Rules, 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; and
- (e) shall be of a different colour from that of any ballot papers used at any relevant election or referendum.

(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 returning officer, 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 the 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 an election (of whatever description) for the same county, county borough, district or London borough, as the case may be.

(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 or disclosure of vote**

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

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

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

- (a) a room in a school maintained or assisted by a local 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) The returning officer 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, etc**

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

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

and paragraph (6) of rule 16 shall apply in relation to the order in which names and particulars appear on the notice of the poll as it applies in relation to ballot papers.

(2) The returning officer 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.

(3) The notice published under paragraph (2) above shall—

- (a) state that the poll at the mayoral election is to be taken together with the poll at a relevant election or referendum;
- (b) specify the parliamentary constituency<sup>(a)</sup>, local counting area, Assembly constituency, voting area or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election is held; and
- (c) where the polls are to be taken together in part of a constituency, division, ward or voting area only, specify that part.

### **Postal ballot papers**

21. The returning officer shall, in accordance with regulations made under the 1983 Act, issue to those entitled to vote by post a postal ballot paper and a declaration of identity in the appropriate forms, or forms to the like effect, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed by such regulations.

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(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56)

### **Provision of polling stations**

**22.**—(1) The returning officer 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 electoral area shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral area.

(4) The returning officer 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 returning officer 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 returning officer 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 returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(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 returning officer 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 local authority to which the election relates;
- (b) that the election is a mayoral election;
- (c) the elector's name, qualifying address and number on the register; and
- (d) the date and hours of the poll and the situation of the elector's polling station.

(4) If the returning officer and the returning officer for each relevant election or referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every relevant election or referendum.

### **Equipment of polling stations**

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

(1A) The same ballot box may be used for the poll at the mayoral election and the poll at every relevant election or referendum, if the returning officer thinks fit.

(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 returning officer 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 electoral area 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).

- (4) The returning officer shall also provide each polling station with—
- (a) at least one large version of the ballot paper which shall be printed on the same colour paper as the ballot papers and displayed inside the polling station for the assistance of voters who are partially sighted; and
  - (b) a device, of such description as is set out in paragraph (8) below, for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 35(1)).

(4A) Where notwithstanding paragraph (1A) above separate ballot boxes are to be used, each ballot box shall be clearly marked with—

- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum;
- (b) the words “Place [*specify colour of ballot papers in question*] ballot papers in here”.

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

(6) The returning officer may also provide copies of the notice mentioned in paragraph (5) in Braille or translated into languages other than English as he considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(7) In every compartment of every polling station there shall be exhibited the notice—

“\*PARLIAMENTARY ELECTION

(*[Specify colour]* ballot paper)

vote for ONE candidate only

\*EUROPEAN PARLIAMENTARY ELECTION

(*[Specify colour]* ballot paper)

vote for ONE party or individual candidate only

\**[Specify name of council . . .]* COUNCIL ELECTION

(*[Specify colour]* ballot paper)

\*vote for no more than.....candidates

\*vote for ONE candidate only

\*ELECTION OF THE MAYOR OF LONDON

(*[Specify colour]* ballot paper)

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 [*specify colour*] vote for ONE candidate only

On the London members ballot paper [*specify colour*] vote for ONE party or individual candidate only#

\**[Specify other]* ELECTION/REFERENDUM

(*[Specify colour]* ballot paper)

\*[vote for one candidate/answer only]\*/[ vote ONCE for your first choice and ONCE for your second choice]

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED”

\**Complete or omit as necessary.*

#*This wording should be used where the GLRO has not supplied wording pursuant to the Greater London Authority Elections (No 2) Rules 2000(a).*

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(a) S.I. 2000/427.

- (8) The device referred to in paragraph (4)(b) above must—
  - (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
  - (b) hold the ballot paper firmly in place during use; and
  - (c) provide suitable means for the voter to—
    - (i) identify the spaces on the ballot paper which he may mark his vote; and
    - (ii) identify the registered party or individual candidate to which each such space refers; and
    - (iii) mark his vote on the space he has chosen.

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

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 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 returning officer 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 returning officer 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 returning officer 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 returning officer 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.

Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraphs (8) and (9) below to be given to the returning officer shall be given to that returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(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 returning officer notice in writing of the name and address of that other person.

(9) Any appointment for a candidate authorised by this rule may be made and the notice of appointment given to the returning officer 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 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 returning officer 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 returning officer 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 voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66(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 in writing 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;
- (e) the companions of voters with disabilities;
- (f) persons entitled to be admitted to the polling station at a relevant election or referendum; and
- (g) any person authorised by the Electoral Commission(b) to attend at polling stations as a representative of the Commission.

(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 returning officer 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 returning officer, 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 returning officer 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 the ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the box is empty;
- (b) lock up the box (if it has a lock);
- (c) place his seal—
  - (i) on the lock; or
  - (ii) where the ballot box has no lock, on the box,

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

- (d) place the box in his view for the receipt of ballot papers; and
- (e) keep the box locked and sealed or, as the case may be, sealed.

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

(b) The Electoral Commission is established pursuant to section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

### 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*)?”, and
  - (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 AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD?”; and
  - (ii) “Have you already voted at this election as proxy on behalf of CD?”.

(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 CD?”,

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 in a mayoral election.

### 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 issued but without showing the particular ballot paper which has been issued; 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.

(4) The same copy of the register of electors which is used under paragraph (1) above for the mayoral election may be used for a relevant election or referendum and one mark may be placed in that register under paragraph (1)(d) above or in the list of proxies under paragraph (1)(e) above to denote that a ballot paper has been issued in respect of each election or referendum; except that, where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark shall be placed in the register or, as the case may be, list so as to identify each election or referendum in respect of which a ballot paper was issued.

#### **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"). The same list may be used for the mayoral election and each relevant election or referendum 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 or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

(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 persons with disabilities**

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

- (a) blindness or other physical incapacity, or
- (b) inability to read,

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 or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, 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 voter with disabilities") that the companion—
  - (i) is a qualified person within the meaning of this rule, and
  - (ii) has not previously assisted more than one voter with disabilities 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 these Rules—

- (a) a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1); and
- (b) a person shall be qualified to assist a voter with disabilities to vote if that person is either—
  - (i) a person who is entitled to vote as an elector at the election; or
  - (ii) the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.

(4) Subject to paragraph (5), 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 voters with disabilities assisted by companions"). The same list may be used for the mayoral election and each relevant election or referendum 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 or referendum, unless the list identifies the election or referendum at which the vote was so given.

(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
  - (c) 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”). The same list may be used for the mayoral election and each relevant election or referendum and, where it so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

(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 on 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 returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

- (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.

#### **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 appointed for the purposes of the mayoral election and those appointed for the purposes of each relevant election or referendum, 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, if any, attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors 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 voters with disabilities 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 voters with disabilities,

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

(1A) The contents of the packets referred to sub-paragraphs (b), (c) and (e) of paragraph (1) above shall not be combined with the contents of the packets made under the corresponding rule that applies at any relevant election or referendum; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) above are references to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(2) 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.

(3) The packets shall be accompanied by a 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 the count**

**40.—**(1) Where the returning officer at the mayoral election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) make arrangements for—
  - (i) discharging the functions referred to in rule 41(1) in the presence of the counting agents appointed for the purposes of the mayoral election and those appointed for the purpose of each relevant election or referendum as soon as practicable after the close of the poll, and
  - (ii) thereafter counting the votes at the mayoral election in the presence of the agents appointed for the purpose of that election; and
- (b) give to the counting agents appointed for the purposes of the mayoral election and those appointed for the purpose of each relevant election or referendum notice in writing of the time and place at which he will begin to discharge the functions under rule 41(1).

(1A) Where the returning officer at the mayoral election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) 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 person who does discharge those functions; and
- (b) give to those counting agents notice in writing of the time and place at which he will begin to count the votes.

(1B) No person other than—

- (a) the returning officer and his clerks,
- (b) the candidates and their wives or husbands,
- (c) the election agents,
- (d) the counting agents for the candidates, and
- (e) any person authorised by the Electoral Commission<sup>(a)</sup> to attend at the counting of the votes as a representative of the Commission,

may be present at the counting of the votes under rule 41(2) to (8), unless permitted by the returning officer to attend.

(2) No person other than a person entitled to be present at the counting of the votes at the mayoral election under rule 41(2) to (8) or at a relevant election or referendum may be present at the proceedings under rule 41(1) unless permitted by the returning officer to attend.

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(a) The Electoral Commission is established pursuant to section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

(3) A person not entitled to attend at the proceedings under rule 41(1) or the counting of the votes under rule 41(2) to (8) shall not be permitted to do so by the returning officer unless he—

- (a) is satisfied that the efficient separation of the ballot papers or, as the case may be, 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 returning officer 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 first count**

**41.—**(1) Where the returning officer at the mayoral election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the mayoral election and each relevant election or referendum 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 the mayoral election and each relevant election or referendum, 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 the mayoral election and each relevant election or referendum;
- (d) separate the ballot papers relating to the mayoral election from the ballot papers relating to each relevant election or referendum;
- (e) make up into packets the ballot papers for each relevant election or referendum 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 relevant election or referendum to which the ballot papers relate—
  - (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—
  - (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.

(2) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the mayoral election and count the votes given on them.

(2A) Where the returning officer at the mayoral election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) on receipt of the containers containing the ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 40(1A), open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Elections Regulations, or under that regulation as applied by these Regulations or regulations made under sections 45 and 105 of the Local Government Act 2000(a), 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.

(2B) Paragraph (8) does not apply to proceedings under paragraph (2A).

(3) The returning officer shall then—

- (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.

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(a) 2000 c. 22. See the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) under section 45.

- (4) A postal ballot paper shall not be taken to be duly returned unless—
- (a) it is returned in the manner set out in paragraph (5), and reaches the returning officer or any polling station in the appropriate electoral area (as defined in paragraph 5B) before the close of the poll; and
  - (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (5), and reaches him or such a polling station before that time.
- (5) The manner in which any postal ballot paper or declaration of identity may be returned—
- (a) to the returning officer, is by hand or post;
  - (b) to a polling station, is by hand.
- (5A) The appropriate electoral area in respect of any voter shall be—
- (a) the area which is common to the parliamentary constituency<sup>(a)</sup>, electoral area, local counting area, local authority area or voting area (as the case may be) in which the polls at the mayoral election and any relevant election or referendum are being taken together; and
  - (b) in respect of which polls the postal voter has been issued with a ballot paper.
- (6) The returning officer shall not count any tendered ballot paper.
- (7) While counting and recording the number of ballot papers and counting the votes, the returning officer 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.
- (8) The returning officer 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.
- (9) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.
- (10) During the time so excluded the returning officer 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) which does not bear the official mark,
  - (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 as to the first preference vote,
- 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 returning officer 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.

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(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56)

(5) The returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one candidate as to the first preference vote;
- (c) writing or mark by which the voter could be identified; and
- (d) unmarked or void for uncertainty as to the first preference vote.

#### **Decisions on ballot papers**

**43.** The decision of the returning officer 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 returning officer to have the votes re-counted or again re-counted but the returning officer 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 the 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 first count**

**45.—(1)** As soon as practicable after the conclusion of the first count (including any re-count), the returning officer 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; and
  - (ii) the total number of first preference votes given; and
- (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 returning officer 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(5) and paragraph (1) of this rule; and
- (b) give public notice of the contents of those statements.

(3) Where an election is contested by more than two candidates, the returning officer shall—

- (a) if paragraph 2 of Schedule 2 to the 2000 Act applies (candidate with overall majority of first preference votes), make the declaration required by rule 48(1); or
- (b) if paragraph 3 of that Schedule applies, count the second preference votes at the time and place notified in accordance with rule 40(1)(b).

(4) Where—

- (a) an election is contested by only two candidates; and
- (b) the total number of votes given for each of them is unequal,

the person to be returned as the elected mayor is the candidate to whom the majority of the votes is given.

(5) Where—

- (a) an election is contested by only two candidates; and
- (b) the total number of votes given for each of them is equal,

the returning officer shall decide by lot which of them is to be returned as the elected mayor.

(6) In a case to which paragraph (4) or (5) applies, the declaration of the person to be returned as the elected mayor shall be made in accordance with rule 48.

## **PART V**

### **FURTHER PROVISION: MORE THAN TWO CANDIDATES**

#### **The count of second preference votes**

**46.—(1)** The returning officer 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(2) to (5), 41(6), (7), (9) and (10), 42 (except paragraph (3)) and 44(1) (except the words “the votes, or as the case may be”,) 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 returning officer shall not be required to re-examine any decision taken under rule 43.

#### **The second calculation and resolution of equality**

**47.**—(1) The returning officer shall comply with paragraph 3(6) of Schedule 2 to the 2000 Act.

(2) The returning officer shall then draw up a statement showing—

- (a) the total number of first preference votes given for each candidate,
- (b) 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,
- (c) the total number of votes given for each of those candidates, and
- (d) the number of ballot papers that were—
  - (i) valid as respects a first preference vote given for a candidate who did not remain in the contest after the count of the first preference votes; and
  - (ii) rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) As soon as practicable after completion of the statement, the returning officer shall provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the statement, and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(4) If, after the second calculation, the total number of votes given for two or more candidates remaining in the contest is equal, the person to be returned as the elected mayor is the person whom the returning officer decides, in accordance with paragraph 3(8) of Schedule 2 to the 2000 Act, is to be returned as the elected mayor.

## **PART VI**

### **FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS**

#### **Declaration of result**

**48.**—(1) The returning officer shall declare the elected mayor to be the candidate who, in accordance with section 42(2) of the 2000 Act or, as the case may be, Schedule 2 to that Act, is to be returned as the elected mayor at that election.

(2) The returning officer 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 number of rejected ballot papers at the election under each head shown in the statement of rejected ballot papers (rule 42(5)), and
- (d) if second preference votes were counted—
  - (i) 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
  - (ii) the number of ballot papers rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) In an uncontested election, the returning officer 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 returning officer shall inform the proper officer of the local authority concerned of the result of the election.

### **Return or forfeiture of candidate's deposit**

**49.**—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 of these Rules 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 4 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 returning officer before the first calculation under rule 45, 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 45, 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 local authority of the electoral area concerned.

## **PART VII**

### **DISPOSAL OF DOCUMENTS**

#### **Sealing up of ballot papers**

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

(2) The returning officer 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.**—(1) The returning officer shall then forward to the proper officer of the local authority concerned 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,
- (d) the marked copies of registers and of lists of proxies, and
- (e) the tendered votes lists, the lists of voters with disabilities assisted by companies, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities,

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

(2) At an election where the returning officer does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (1) shall have effect as if sub-paragraphs (c) and (e) were omitted.

#### **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 purposes 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 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 local authority all documents relating to an election forwarded to him in pursuance of these Rules by a returning officer, 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 local authority may determine.

(3) The proper officer may, on request, supply copies of or extracts from the documents in his possession that are open to public inspection on payment of such fees and subject to such conditions as may be determined by the local authority.

### **PART VIII**

#### **DEATH OF CANDIDATE**

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

**54.**—(1) If at a contested election proof is given to the returning officer'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 returning officer 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<sup>(a)</sup> apply in respect of any vacancy which remains unfilled; provided that neither the countermand of the poll at the mayoral election nor the direction that the poll be abandoned shall affect the poll at any relevant election or referendum.

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(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.



(2) Where the poll at the mayoral 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 at any relevant election or referendum 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 mayoral election had not been abandoned.

(2A) The returning officer shall dispose of ballot papers used at the 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—

- (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified; and
- (b) the returning officer, having separated the ballot papers relating to each relevant election or referendum shall take no step or further step for the counting of the ballot papers used at the mayoral election (at which a candidate has died) or of the votes and shall seal up all 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.

(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.

#### APPENDIX OF FORMS

*Notes:* In this Appendix any reference to a numbered rule is a reference to the rule of that number in the Mayoral Elections (Combination of Polls) Rules.

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

#### ARRANGEMENT OF FORMS

- Form 1 Nomination paper
- Form 2 Candidate's consent to nomination
- Form 3 Ballot paper (two candidates)
- Form 4 Ballot paper (three or more candidates)
- Form 5 Declaration of identity
- Form 6 Elector's official poll card
- Form 7 Proxy's official poll card
- Form 8 Notice for guidance of voters
- Form 9 Certificate of employment
- Form 10 Declaration to be made by the companion of a voter with disabilities

Form 1—Nomination paper

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]\*

OF .....

*\*delete as appropriate*

MAYORAL ELECTION

We, the undersigned, being local government electors for the Council's area, do hereby nominate the person mentioned below as a candidate at the mayoral election.

Candidate's surname	Other names in full	Description (if any)	Home address in full

Signatures (or marks)

Electoral Number

Proposer.....	Distinctive letter(s)	Number
Seconder .....	.....	.....
.....	.....	.....
We, the undersigned, being local government electors for the Council's area, do hereby assent to the foregoing nomination		
Signatures (or marks)		
1 .....	.....	.....
2 .....	.....	.....
3 .....	.....	.....
4 .....	.....	.....
27 .....	.....	.....
28 .....	.....	.....

NOTES

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in rules 6 and 7 of the Mayoral Elections Rules.
2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.
3. An elector may not subscribe more than one nomination paper for the same mayoral election.
4. A person whose name is entered in the register 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 2—Candidate’s consent to nomination

Note: this form is for use in England only

[COUNTY] [DISTRICT] [LONDON BOROUGH]\*

OF.....

\*delete as appropriate

MAYORAL ELECTION

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 elected mayor of [insert name of local authority].

I declare that on the day of 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 (inset name of electoral area)
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 [the whole of] 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 80 of the Local Government Act 1972, a copy of which is printed overleaf.

Signature (or mark).....

Date .....

Signed (or marked) in my presence

Signature (or mark) of witness .....

Name and address of witness .....

(WRITE CLEARLY)

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).

Back of form

Set out sections 80 and 81 of the Local Government Act 1972 (as amended from time to time)(a)

Form 3—Ballot paper (two candidates)

Front of ballot paper

**VOTE FOR ONE CANDIDATE ONLY [X]**

Emblem (if any)

Counterfoil  
No. The  
counterfoil is  
to have a  
number to  
correspond  
with that on  
the back of  
the ballot paper

<b>1</b>	<b>BASWRA</b> <b>Paresh Bawra</b> 20 Kincade Road, Anytown, XZ8 1QT  Cream Party	
<b>2</b>	<b>CRANLEY</b> <b>Alana Cranley</b> 4 Kennil Road, Anytown, XZ9 4WK  Purple Party	

Back of Ballot Paper

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]\*

OF .....

\*delete as appropriate

MAYORAL ELECTION

No

Mayoral election 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 direction “**VOTE FOR ONE CANDIDATE ONLY [X]**”;
    - (ii) the particulars of the candidates; and
    - (iii) 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)(i) from the particulars of the candidates and the horizontal rules separating the particulars of the candidates 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;

(a) Section 80 was amended by the Local Government Finance Act 1982 (c. 32), Schedule 5, paragraph 5(1) and Schedule 6, Part IV, by the Representation of the People Act 1983 (c. 2), Schedule 8, paragraph 12, the Transport Act 1985 (c. 67), Schedule 8, the Education Reform Act 1988 (c. 40), Schedule 13, Part I, the Local Government and Housing Act 1989 (c. 42), Schedule 11, paragraph 21, the Environment Act 1995 (c. 25), Schedule 10, paragraph 10, the Local Government Act 2000, Schedule 3, paragraph 8, and S.I. 2001/2237. Section 81 was amended by the Insolvency Act 1985 (c. 65), Schedule 8, paragraph 22, the Local Government Act 1985 (c. 50) Schedule 17, the Education Reform Act 1988, Schedule 13, Part II.

- (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)(i) and each candidates by the horizontal rules mentioned in sub-paragraph (b).
3. The direction mentioned in sub-paragraph (a)(i) shall be printed in large capitals.
  4. The surname of each candidate shall in both 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 name—
    - (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidate's 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 4—Ballot paper (three or more candidates)

*Front of ballot paper*

<i>Counterfoil No.</i>	<i>Emblem (if any)</i>	<b>VOTE ONCE [X] IN EACH COLUMN</b>		
		1st Choice	2nd Choice	
<i>The counterfoil is to have a number to correspond with that on the back of the ballot paper</i>	1	<b>BROWN</b> JOHN EDWARD Brown 2 The Cottages Anytown XY5 4QZ    Labour		
	2	<b>BROWN</b> THOMAS WILLIAM Brown 15 Barchester Road Anytown XY7 2PT    Liberal Democrat		
	3	<b>JONES</b> William David Jones The Grange Anytown XY4 3KM    Conservative		
	4	<b>MERTON</b> George Travis Merton The Heights Anytown XY17 2LD  Independent		

<b>5</b>	<b>SMITH</b> Mary Smith School House Anytown XY24 9RF  Independent		
<b>6</b>	<b>WILLIAMS</b> Elizabeth Venetia Williams 3 Ivy Lane Anytown XY3 6JH  Independent		

*Back of ballot paper*

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]\*  
OF .....

*\*delete as appropriate*

**MAYORAL ELECTION**

No

Mayoral election 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 direction “**VOTE ONCE [X] IN EACH COLUMN**”, the column headings “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 paragraph (a) above from 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 paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b).
3. The direction mentioned in paragraph 2(a) above 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 5—Declaration of identity

*Form for use in cases of joint issue and receipt of postal ballot papers*

*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) .....

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature (or mark) .....

Name of witness (WRITE CLEARLY) .....

Address of witness (WRITE CLEARLY) .....

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 (or mark) this declaration as a witness, and his or her name and address must be added. Without this the declaration will be invalid.

2. [\*When you are voting in a Parliamentary/local government\* 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/Vote for no more than ..... candidates\*.]

3. [\*When you are voting in a European Parliamentary election (*insert colour of ballot paper* ballot paper), mark a cross (X) to the right of the name of the party or individual candidate of your choice. Vote once only.]

4. [\*When you are voting in a Greater London Authority election—

(a) [\*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.]

(b) [\*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 individual candidate of your choice. Vote only once.]

(c) [\*in the London Mayoral election (*insert colour of ballot paper*) ballot paper), vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.]#]

# *This wording should be used where the GLRO has not supplied wording pursuant to the Greater London Authority Elections (No. 2) Rules 2000(a).*

5. [\*When you are voting in a (*specify*) election, mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only/Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE\*.]

6. [\*When you are voting in a referendum, mark a cross (X) to the right of the answer of your choice. Vote once only.]

7. Put no other mark on the ballot papers, or your votes may not be counted.

8. Mark all votes secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

---

(a) S.I. 2000/427.

9. Put the ballot papers 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 papers must be received by the returning officer not later than the close of the poll.

Alternatively they may be returned to any of the following polling stations on polling day:

\*[insert polling station(s)..... ]

or

\*Alternatively they may be returned to any polling station in the following area:

\*[specify area]

10. If you receive more than one ballot paper relating to the same election or referendum, remember that it is illegal to vote more than once (otherwise than as proxy) at that election.

11. At these elections [\*and referendum] you cannot vote in person at a polling station, even if you receive an official poll card.

12. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this you MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED, together with the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you MUST RETURN the declaration of identity in your own envelope. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.

*\*To be omitted or completed as appropriate by the returning officer responsible for the issue and receipt of ballot papers.*

*Form for use where there is separate issue and receipt of postal ballot papers*

*Front of form*

REPRESENTATION OF THE PEOPLE ACTS

To be returned with [insert colour of ballot paper] coloured ballot paper.

[Insert colour of ballot paper] coloured Ballot Paper No.....

I hereby declare that I am the person to whom the [insert colour of ballot paper] 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 (or mark).....

Name of witness.....

(WRITE CLEARLY).....

Address of witness.....

(WRITE CLEARLY).....

.....

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. (You are required to do this even if you have already signed (or marked) a similar declaration of identity in respect of another election or referendum to be held on the same day.) That person known to you should then sign (or mark) this declaration as a witness, and his or her name and address must be added. Without this the declaration will be invalid.

2. (Two candidates) Vote for **ONE** candidate only. Put no other mark on the ballot paper or your vote may not be counted.

OR

2. (Three or more candidates) 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. Different colours are used for the ballot papers for each election [and referendum\*]. Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for each ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.

\*Alternatively, they may be returned to any of the following polling stations on polling day:

\*[insert polling station(s)..... ]

or

\*Alternatively they may be returned to any polling station in the following area:

\*[specify area]

5. If you receive more than one ballot paper relating to the same election or referendum, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election or the same referendum. You are entitled to vote at different elections and referendums which are held on the same day.

6. At this election [and referendum\*] you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your postal ballot paper, you can apply to the returning officer for a new 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.

\* Omit as appropriate

Form 6—Elector’s Official Poll Card

Front of card

REPRESENTATION OF THE PEOPLE ACTS  
OFFICIAL POLL CARD

(Name of electoral area)

Polling Day .....

Your polling station will be .....

Polling hours \*[7] [8] a.m. to \*[9] [10] p.m.

\*delete as appropriate

Number on Register .....

Name .....

Address .....

Back of card

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]\*  
OF .....

\*delete as appropriate

MAYORAL ELECTION

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. [Mark a cross (X) to the right of the name of the candidate you for voting for.] [Vote once for your first choice and once for your second choice.]

Fold the ballot paper in two. 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 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 7—Proxy’s official poll card

*Front of card*

REPRESENTATION OF THE PEOPLE ACTS

PROXY’S OFFICIAL POLL CARD

Proxy’s name.....

Proxy’s address .....

.....

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]\*

OF .....

*\*delete as appropriate*

MAYORAL ELECTION

Polling day .....

The poll will be open from \*[7] [8] a.m. to \*[9] [10] p.m.

*\*delete as appropriate*

*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 offer 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 8—Notice for guidance of voters

FORM OF DIRECTIONS FOR GUIDANCE OF THE VOTERS IN VOTING

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. Make sure the ballot papers you are given [are stamped with the official mark/have the official mark\*].
2. Go to one of the compartments.
3. **A.** At the [Parliamentary/local government election(s)\*] mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate for whom you are voting\*. [Vote once only/Vote for no more than..... candidates.]  
**B.** At the European Parliamentary election, mark a cross (X) to the right of the name of the party or individual candidate for whom you are voting\*. Vote once only.  
**C.** At the Greater London election—
  - (i) in the election for the constituency members of the London Assembly, **vote for ONE candidate only;**\*
  - (ii) in the election of the London members of the London Assembly, **vote for ONE party or individual candidate only;**\*
  - (iii) in the Mayoral election **VOTE ONCE FOR YOUR FIRST CHOICE AND ONCE FOR YOUR SECOND CHOICE**.\*#**D.** At the [*specify other*] election/referendum\* [mark a cross (X) to the right of the candidate/the answer\* for which you are voting] [vote once only] [vote once for your first choice and once for your second choice.]
4. [Please do not fold the ballot papers for the [*specify the election(s) at which the votes are to be counted electronically*]]. Fold [each/any other] ballot paper(s) in two and show the official mark on it to the presiding officer\*. Do not let anyone see your vote. Put each ballot paper in the [\*appropriate] ballot box and leave the polling station.

*Include the words in the first set of square brackets, and the corresponding amendment in the following sentence if the votes are to be counted electronically at one or more of the elections combined with the principal area election*

5. Vote only for the number of candidates specified on each ballot paper [and only one of answers available in the referendum\*]. Put no other mark on the ballot papers, or your votes may not be counted.
6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

*\*Complete or omit as necessary and renumber paragraphs as necessary.*

*#This wording should be used where the GLRO has not supplied wording pursuant to the Greater London Authority Elections (No. 2) Rules 2000(a).*

Form 9—Certificate of employment

REPRESENTATION OF THE PEOPLE ACTS

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]\*

OF .....

*\*delete as appropriate*

MAYORAL ELECTION

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

*\*Delete whichever is inappropriate*

*\*(a) as a constable*

*\*(b) by me.*

---

(a) S.I. 2000/427.

Signature.....

Date..... \*Returning officer/police officer (inspector or above).

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

Form 10—Declaration to be made by the companion of voter with disabilities

I, AB, of .....

having been requested to assist CD (in the case of a person voting as proxy add voting as proxy for M.N.)

whose number on the register is .....

to record his vote at the \*election/\*referendum/\* mayoral election now being held in this \*electoral/\*voting area of this \*county/\*district/\*London borough and the \*election/\*referendum now being held in this \*parliamentary constituency/\*European Parliamentary constituency/\*Greater London Authority constituency/\*London Borough\*local government area/\* electoral area of this \*district/\*parish/\*community (\*delete those which are inappropriate) hereby declare that [I am entitled to vote as an elector at the said election(s) \*and referendum].

\*State the relationship of the companion to the voter

(I am the \* ..... of the voter and have attained the age of 18 years), and I have not previously assisted any person [except EF of..... ] to vote at this election.

(Signed, (or marked)) AB

Date ..... day of..... 20 .....

I, the undersigned, being the presiding officer for the ..... polling station in (insert name of electoral area), hereby certify that the declaration above, having been first read to the declarant named above, was signed (or marked) by the declarant in my presence.

(Signed) GH,

Date:..... Time:..... minutes past..... o'clock [a.m.][p.m.]

NOTE: If the person making the declaration above knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

## EXPLANATORY NOTE

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

These Regulations amend the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002.

These Regulations, which extend to England and Wales, amend the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (the Principal Regulations) as they apply where the poll at a mayoral election is taken together with the poll at one or more of a number of other types of election or referendum.

Regulation 2 provides additional definitions and substitutes a new regulation 5 of the Principal Regulations.

A new schedule is substituted for Schedule 3 to the Principal Regulations.

The new Schedule 3 contains a modified version of the regulations in Schedule 1 of the Principal Regulations, which applies where the poll is to be combined with the poll at—

- a Parliamentary election;
- a European Parliamentary election;
- a local government election (which includes Greater London Authority elections in London); or
- another mayoral election; or
- a referendum.

The main modifications are—

- extending the period within which nominations must be delivered where the poll is combined with the poll at a European parliamentary election,
- making use of the same ballot box optional in the case of all possible combined polls,
- allowing for the translation of notices for the guidance of voters into languages other than English,
- entitling representatives of the Electoral Commission to attend the polling stations, verification and count,
- allowing those who are entitled to attend the count at the poll which is combined to attend at the joint verification of ballot paper accounts,
- requiring that postal ballot papers which are returned to a polling station are returned to a polling station located in the area which is common to the electoral areas in which each poll is taking place, and
- ensuring that forms which are or may be used for all polls, such as notices in polling stations and declarations by disabled voters are in a form which is consistent with those applying under the legislation governing the election with which the mayoral election is combined.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.