

SCHEDULE 2

ABSENT VOTING

PART 3

ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS

Issue of Postal Ballot Papers

Combination of polls

- 27.** Where the poll at the European Parliamentary election is to be taken together with—
- (a) the poll at an election under subsection (1) or (2) of section 15 of the 1985 Act (combination of polls at parliamentary, European Parliamentary and local government elections), or
 - (b) the poll at a mayoral election or a referendum in accordance with regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000,

or two or more such polls, the proceedings on the issue and receipt of postal ballot papers in respect of each election or referendum may, if the returning officers concerned agree, be taken together.

Form of declaration of identity

28. The form of the declaration of identity for the purposes of rule 26 of the European Parliamentary elections rules in Schedule 1 to these Regulations shall be—

- (a) in Form B at a European Parliamentary election in England and Wales taken alone;
- (b) in Form C at a European Parliamentary election in England and Wales where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at a relevant election or referendum;
- (c) in Form D at a European Parliamentary election in England and Wales where the poll is taken together with the poll at a relevant election or referendum, but where the proceedings on the issue and receipt of postal ballot papers are not;
- (d) in Form E at a European Parliamentary election in Scotland taken alone;
- (e) in Form F at a European Parliamentary election in Scotland where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at another election; and
- (f) in Form G at a European Parliamentary election in Scotland where the poll is taken together with the poll at another election, but where the proceedings on the issue and receipt of postal ballot papers are not.

Persons entitled to be present at proceedings on issue of postal ballot papers

29. No person may be present at the proceedings on the issue of postal ballot papers other than the local returning officer and his clerks.

Persons entitled to be present at proceedings on receipt of postal ballot papers

30. No person may be present at the proceedings on the receipt of postal ballot papers other than—

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- (a) the local returning officer and his clerks,
- (b) a candidate,
- (c) an election agent or a person appointed by him or a sub-agent to attend in his place,
- (d) any agents appointed under paragraph 31,
- (e) representatives of the Electoral Commission.,
- (f) where the proceedings on the receipt of postal ballot papers are taken together with the those proceedings for a relevant election or referendum, persons entitled to be present at the proceedings for the relevant election or referendum.

Agents of candidates who may attend proceedings on receipt of postal ballot papers

31.—(1) The election agent or sub-agent of each registered party standing nominated or each individual candidate may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number he may be authorised by the local returning officer to appoint so, however, that the number authorised shall be the same in the case of each registered party standing nominated or each individual candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the election agent or sub-agent to the local returning officer before the time fixed for the opening of the postal voters' ballot box.

(3) Where postal ballot papers for more than one election or referendum are issued together under paragraph 27, the returning officer to whom notice shall be given under sub-paragraph (2) above and sub- paragraphs (4) and (5) is the returning officer who issues the postal ballot papers.

(4) If an agent dies or becomes incapable of acting, the candidate or election agent of a registered party may appoint another agent in his place and shall forthwith give to the local returning officer notice in writing of the name and address of the agent appointed.

(5) In this Part of this Schedule references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (1) above, who are within the number authorised by the local returning officer.

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

(7) Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

32. The local returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of regulations 29(5) and (7).

Time when postal ballot papers are to be issued

33.—(1) In the case of a person shown in the record kept under—

- (a) paragraph 3(4), or
- (b) paragraph 7(6),

of this Schedule (electors and proxies entitled to vote by post for an indefinite or definite period), no postal ballot paper (and declaration of identity) shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 19(6)).

(2) In the case of any other person, the postal ballot paper (and declaration of identity) shall be issued by the local returning officer as soon as practicable after the application to vote by post has been granted.

Procedure on issue of postal ballot paper

34.—(1) Each postal ballot paper issued shall be stamped with the official mark.

(2) The number of the elector as stated in the register shall be marked on the counterfoil attached to the ballot paper.

(3) A mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

(5) Where postal ballot papers for the European Parliamentary election and a relevant election or referendum are issued together under paragraph 27—

(a) one mark shall be placed in the absent voters list or the list of postal proxies under sub-paragraph (3) to denote that ballot papers have been issued in respect of each election or referendum; except that, where ballot papers are not so issued, a different mark shall be placed in the absent voters list or list of postal proxies to identify the election or referendum in respect of which the ballot paper was issued; and

(b) the number of each ballot paper shall be marked on the declaration of identity under sub-paragraph (4).

(6) Where the poll at a European Parliamentary election is taken with the poll at a relevant election or referendum (under the provisions referred to in paragraph 27) but not the proceedings on the issue and receipt of postal ballot papers, the colour of the postal ballot paper shall also be marked on the declaration of identity sent with that paper.

(7) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in paragraph 36 are to be sent is—

(a) in the case of an elector, the address shown in the absent voters list;

(b) in the case of a proxy, the address shown in the special list kept under paragraph 7(8) of this Schedule.

Refusal to issue postal ballot paper

35. Where a local returning officer is satisfied that two or more entries in the absent voters list, or the list of postal proxies or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector at any one election.

Envelopes

36.—(1) Sub-paragraphs (2) and (3) below prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 26 of the European Parliamentary elections rules).

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(2) There shall be issued an envelope for the return of the postal ballot paper or, as the case may be, ballot papers and the declaration of identity (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
- (b) the words “ballot paper envelope”, and
- (c) the number of the ballot paper or, as the case may be, ballot papers.

(4) Where polls are taken together (under the provisions referred to in paragraph 27 of this Schedule) but not the proceedings on the issue and receipt of postal ballot papers—

- (a) the envelope referred to in sub-paragraph (2) shall also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”, and
- (b) on the envelope referred to in sub-paragraph (3), after the words “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

Sealing up of counterfoils and security of special lists

37.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the local returning officer shall make up into a packet the counterfoils of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the local returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in sub-paragraph (2) above, the local returning officer shall take proper precautions for the security of the lists referred to in that sub-paragraph.

Delivery of postal ballot papers

38.—(1) For the purposes of delivering postal ballot papers, the local returning officer may use—

- (a) a universal postal service provider or, in Gibraltar, the Gibraltar Post Office;
- (b) a commercial delivery firm, or
- (c) clerks appointed under rule 28(1) of the European Parliamentary elections rules.

(2) Where the services of a universal postal service provider, the Gibraltar Post Office or a commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the local returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where sub-paragraph (1)(c) applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom or Gibraltar.

Spoilt postal ballot papers

39.—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) he may return (either by hand or by post) to the local returning officer the spoilt ballot paper and the declaration of identity.

(2) Where postal ballot papers for more than one election or referendum have been issued together under paragraph 27, the postal voter shall, if he exercises the entitlement conferred by sub-paragraph (1), return all of the ballot papers so issued, whether spoiled or not.

(3) On receipt of the documents referred to in sub-paragraph (1) and, where applicable sub-paragraph (2), the local returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after 5 pm on the day before the day of the poll.

(4) Paragraphs 34 (except sub-paragraph (3)), 36, 37 and, subject to sub-paragraph (7) below, 38 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3).

(5) The spoiled postal ballot paper, and any other postal ballot paper issued with it, and the declaration of identity shall be immediately cancelled.

(6) The local returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(7) Where a postal voter applies in person, the local returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with paragraph 38.

(8) The local returning officer shall enter in a list kept for the purpose (“the list of spoiled postal ballot papers”)—

- (a) the name and number of the elector as stated in the register;
- (b) the number of the postal ballot paper (or papers) issued under this paragraph; and
- (c) where the postal voter whose ballot paper is spoiled is a proxy, his name and address.

Lost postal ballot papers

40.—(1) Where a postal voter has not received his postal ballot paper by the fourth day before the day of the poll, or in Scotland by the third day before the day of the poll, he may apply (whether or not in person) to the local returning officer for a replacement ballot paper.

(2) Such an application shall include evidence of the voter’s identity.

(3) Where the application is received by the local returning officer before 5 pm on the day before the day of the poll and the local returning officer—

- (a) is satisfied as to the voter’s identity, and
 - (b) has no reason to doubt that the postal voter did not receive the original postal ballot paper,
- he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

(4) The local returning officer shall enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

- (a) the name and number of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this paragraph; and
- (c) where the postal voter whose ballot paper is lost is a proxy, his name and address.

(5) Paragraphs 34 (except sub-paragraph (3)), 36, 37 and, subject to sub-paragraph (6) below, 38 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3).

(6) Where a postal ballot voter applies in person, the local returning officer may hand a replacement ballot paper to him instead of delivering it in accordance with paragraph 38.