

SCHEDULE 4

Article 16(7)

Combination of polls

CONTENTS

PART 1

General

1. Returning officers and polling stations
2. Functions at combined polls
3. Modification of provisions about expenses in this Order and the 1983 Act

PART 2

Modifications to Schedule 5 to apply where the poll at an Assembly election is taken together with a poll at a local government election under Article 16 (1) or (2)

4. Modifications to Schedule 5: general provision
5. Rule 28 of Schedule 5 (colour of ballot papers)
6. Rule 32 of Schedule 5 (notice of poll)
7. Rule 36 of Schedule 5 (issue of official poll cards)
8. Rule 37 of Schedule 5 (equipment of polling stations)
9. Rule 38 of Schedule 5 (appointment of polling and counting agents)
10. Rule 41 of Schedule 5 (admission to polling station)
11. Rule 44 of Schedule 5 (questions to be put to voters)
12. Rule 46 of Schedule 5 (voting procedure)
13. Rule 47 of Schedule 5 (votes marked by presiding officer)
14. Rule 48 of Schedule 5 (voting by persons with disabilities)
15. Rule 49 of Schedule 5 (tendered ballot papers)
16. Rule 51 of Schedule 5 (correction of errors on the day of poll)
17. Rule 52 of Schedule 5 (adjournment of poll in case of riot)
18. Rule 53 of Schedule 5 (procedure on close of poll)
19. Rule 54 of Schedule 5 (time of, and attendance at, counting of votes)
20. Rule 55 of Schedule 5 (the count)
21. Rule 67 of Schedule 5 (delivery of documents to relevant registration officer)
22. Rule 70 of Schedule 5 (constituency election: death of independent candidate)
23. Rule 73 of Schedule 5 (constituency election: death of party candidate)
24. Rule 76 of Schedule 5 (abandoned poll)
25. Schedule 10 (appendix of forms)(form CP)
26. Schedule 10 (appendix of forms) (form CQ)

PART 3

Modifications to election rules to apply where the poll at an election of county or county borough councillors is taken together with a poll at an Assembly election under Article 16(1) or (2)

27. Modifications to principal area election rules: general provision
28. Rule 16 of principal area election rules (the ballot papers)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

29. Rule 21 of principal area election rules (notice of poll)
30. Rule 25 of principal area election rules (issue of official poll cards)
31. Rule 26 of principal area election rules (equipment of polling stations)
32. Rule 27 of principal area election rules (appointment of polling and counting agents)
33. Rule 35 of principal area election rules (voting procedure)
34. Rule 36 of principal area election rules (votes marked by presiding officer)
35. Rule 37 of principal area election rules (voting by persons with disabilities)
36. Rule 39 of principal area election rules (tendered ballot papers, general provisions)
37. Rule 42 of principal area election rules (adjournment of poll in case of riot)
38. Rule 43 of principal area election rules (procedure on close of poll)
39. Rule 44 of principal area election rules (attendance at counting of votes)
40. Rule 45 of principal area election rules (the count)
41. Rule 52 of principal area election rules (delivery of documents to relevant registration officer)
42. Rule 55 of principal area election rules (countermand or abandonment of poll on death of candidate)
43. Appendix of forms to principal area election rules (postal voting statement)
44. Appendix of forms to principal area election rules (directions for the guidance of the voters in voting)
45. Appendix of forms to principal area election rules (declaration to be made by the companion of a voter with disabilities)

PART 4

Modifications to election rules to apply where the poll at an election of community councillors is taken together with the poll at an Assembly election under Article 16(1) or (2)

46. Modifications to community election rules: general provision
47. Rule 16 of community election rules (the ballot papers)
48. Rule 21 of community election rules (notice of poll)
49. Rule 25 of community election rules (issue of official poll cards)
50. Rule 26 of community election rules (equipment of polling stations)
51. Rule 27 of community election rules (appointment of polling and counting agents)
52. Rule 35 of community election rules (voting procedure)
53. Rule 36 of community election rules (votes marked by presiding officer)
54. Rule 37 of community election rules (voting by persons with disabilities)
55. Rule 39 of community election rules (tendered ballot papers; general provisions)
56. Rule 42 of community election rules (adjournment of poll in case of riot)
57. Rule 43 of community election rules (procedure on close of poll)
58. Rule 44 of community election rules (attendance at counting of votes)
59. Rule 45 of community election rules (the count)
60. Rule 55 of community election rules (countermand or abandonment of poll on death of candidate)
61. Appendix of forms to community election rules (postal voting statement)
62. Appendix of forms to community election rules (directions for the guidance of the voters in voting)
63. Appendix of forms to community election rules (declaration to be made by the companion of a voter with disabilities)

Signature

Explanatory Note

PART 1

General

Returning officers and polling stations

1.—(1) Where the polls at an Assembly general election and an ordinary local government election are taken together under article 16(1)—

- (a) those functions of the returning officer at the local government election which are specified in paragraph 2 shall be discharged by the constituency returning officer for an Assembly constituency for such part of the local government area as is situated in the constituency; and
- (b) only polling stations used for the Assembly general election shall be used for the local government election.

(2) Subject to sub-paragraph (4) where the polls at an Assembly and a local government election for related areas (within the meaning of article 16(3)) are taken together under article 16(2)—

- (a) the returning officers for those elections shall decide which returning officer shall discharge in the area in which the polls are combined (“the combined area”) those functions of the other which are specified in paragraph 2; and
- (b) the only polling stations which shall be used in the combined area at such elections are the polling stations used at the election for which the returning officer who discharges the functions referred to in paragraph (a) acts as returning officer.

(3) Where by virtue of sub-paragraph (2)(a) functions in respect of another election fall to be discharged by a regional returning officer, he in turn shall delegate the discharge of those functions to the constituency returning officer for an Assembly constituency that is wholly or partly situated in the combined area in relation to such part of the combined area as is situated in the Assembly constituency; and where functions are so delegated subsequent references in this Part to the returning officer who discharges the functions specified in paragraph 2 are to be treated as references to such a constituency returning officer.

(4) Where the polls at an Assembly general election and a local government election for related areas are taken together under article 16(2), sub-paragraphs (1)(a) and (b) shall apply.

Functions at combined polls

2.—(1) The functions referred to in paragraph 1 are the functions conferred—

- (a) in the case of an Assembly election, by Schedule 5 and which are specified in sub-paragraph (2);
- (b) in the case of a local government election which is not a mayoral election, by those of the rules made under section 36 of the 1983 Act which correspond to the provisions specified in sub-paragraph (2); and
- (c) in the case of a local government election which is a mayoral election, by those rules made under section 44 of the Local Government Act 2000(1) which correspond to the provisions specified in sub-paragraph (2),

and where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3, the functions conferred by that Schedule and by Part 5 of the 2001 Regulations(2).

(1) 2000 c. 22.

(2) In part 5 Regulation 72 was amended by Regulation 12 of S.I. 2002/1871, Regulation 77 was amended by Regulation 13(1), (2) and (3) of S.I. 2002/1871 and Regulation 85 by Regulation 2(1) of S.I. 2002/1871. Regulation 64 was amended by

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(2) The functions referred to in sub-paragraph (1) are those functions in Schedule 5 conferred or by—

- (a) rule 27 (corresponding number list);
- (b) rule 32(2) and (3) (notice of situation of polling stations etc);
- (c) rule 33 (postal ballot papers) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3 and rule 55 (the count) of Schedule 5;
- (d) rule 34 (provision of polling stations);
- (e) rule 35(1) and (3) (appointment of presiding officers and clerks) to the extent that the paragraph concerns the appointment of presiding officers and clerks to assist them;
- (f) rule 37 (equipment of polling stations);
- (g) rule 39(a) (notification of requirement of secrecy at polling station);
- (h) rule 40 (return of postal ballot papers) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3;
- (i) rule 41(5) (signature of certificate as to employment);
- (j) rule 42(2)(b) (authorisation to order removal from polling station); and
- (k) paragraphs (1)(as substituted by paragraph 20 of this Schedule) and paragraph (8) of rule 55 (the count).

Modification of provisions about expenses in this Order and the 1983 Act

3.—(1) Where those functions of a returning officer at an election which are specified in paragraph 2 are discharged by the returning officer at another election under paragraph 1, references to the returning officer or his charges or expenditure—

- (a) in article 23(1) to (4), (7), (9) and (10) (payments by and to returning officer);
- (b) in article 24 (detailed assessment of returning officer's account); and
- (c) in section 36(4) and (5A) of the 1983 Act⁽³⁾ (expenses at local elections),

shall, to the extent that such functions are so discharged, be construed as references to the returning officer who discharges those functions and his charges or expenditure in respect of those functions.

(2) The reference in section 36(6) of the 1983 Act to the returning officer or person acting as returning officer requesting an advance in respect of his expenses shall, to the extent that those expenses relate to the functions specified in paragraph 2, include a reference to the returning officer who under paragraph 1 discharges those functions at the local government election.

(3) In relation to elections the polls at which are taken together under article 16(1) or (2), the Assembly may under article 23(1) include special provision for services properly rendered, or expenses properly incurred, in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.

(4) In relation to elections the polls at which are taken together under article 16(1) or (2), a county or county borough council may, in fixing a scale under—

- (a) section 36(4) of the 1983 Act (fixing a scale at an election to the council etc); or

regulation 48, regulations 72 and 73 by regulation 49, regulation 75 by regulation 50, regulation 84 by regulations 51 and 52 and regulation 91 by regulation 53 all of [S.I. 2006/2910](#).

(3) Sub-section (5A) was added by Schedule 16 to the Local Government (Wales) Act 1994 c. 19.

- (b) section 36(5A) of that Act (fixing a scale at an election for a community within the area of the council etc),

include special provision for expenses incurred in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.

PART 2

Modifications to Schedule 5 to apply where the poll at an Assembly election is taken together with a poll at a local government election under Article 16 (1) or (2)

Modifications to Schedule 5: general provision

4. Where the poll at an Assembly election is taken with the poll at a local government election under article 16(1) or (2), Schedule 5 shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

Rule 28 of Schedule 5 (colour of ballot papers)

5. At the end of rule 28 of Schedule 5 add—

“And the ballot paper to be used at an Assembly election shall be of a different colour from that of any ballot paper to be used at a local government election the poll for which is taken together with the poll for the Assembly election.”.

Rule 32 of Schedule 5 (notice of poll)

6. At the end of rule 32 of Schedule 5 add—

“(5) Where the poll at an Assembly election is taken together with a poll at a local government election the notice published under paragraph (2) or (3) shall—

- (a) state that the poll at the Assembly election is to be taken together with the poll at a local government election;
- (b) specify the relevant local authority and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
- (c) where the polls are to be taken together in part of an Assembly constituency only, specify that part.”.

Rule 36 of Schedule 5 (issue of official poll cards)

7. At the end of rule 36 of Schedule 5 add—

“(10) Where a poll at an Assembly election is taken together with a poll at a local government election an official poll card issued under this paragraph may be combined with an official poll card issued at the local government election.”.

Rule 37 of Schedule 5 (equipment of polling stations)

8.—(1) After rule 37(4) of Schedule 5 insert—

“(4A) The same ballot box may be used for the poll at the Assembly election and for the poll at the local government election.

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(4B) Where the same ballot box is not used under paragraph (4A) each ballot box shall be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma.””.

(2) For rules 37(14) to (15) of Schedule 5 substitute—

“(14) Where a poll at an Assembly election is taken together with a poll at a local government election, the notice in form CP set out in English and Welsh in Schedule 10, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(15) Where the poll at an Assembly election is taken together with a poll at a local government election in every compartment of every polling station there shall be exhibited the notice—

(a) in respect of a constituency election—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*Iliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(b) in respect of a regional election—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*Iliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(c) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than . . . candidates on the local government ballot paper coloured [*colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy na(g) . . . o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*Iliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidleisiau eu cyfrif.”; or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*Iliw' papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; and

(d) in respect of a local government election which is a mayoral election —

“*[Vote for one candidate only] [Vote once for your first choice and once for your second choice]* on the mayoral ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.”

“*[Pleidleisiwch dros un ymgeisydd yn unig] [Pleidleisiwch unwaith dros eich dewisiad cyntaf ac unwaith dros eich ail ddewisiad] ar y papur pleidleisio maerol lliw [lliw'r papur pleidleisio]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.*”

and paragraph (16) does not apply.”

Rule 38 of Schedule 5 (appointment of polling and counting agents)

9. After rule 38(7) of Schedule 5 insert—

“(7A) Where the poll at an Assembly election is taken together with a poll at a local government election notices of the appointment of polling agents which are required by paragraphs (5), (6) and (7) to be given to the returning officer shall be given to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4.”

Rule 41 of Schedule 5 (admission to polling station)

10. After paragraph (1)(h) of rule 41 insert—

“(i) persons entitled to be admitted to the polling station at the local government election.”

Rule 44 of Schedule 5 (questions to be put to voters)

11.—(1) In questions 1(b), 2, 3(a) and (b), 4, 5(b), 6 and 7 in column (2) of the Table to rule 44 of Schedule 5, before “election” insert “Assembly”.

(2) In questions 1(b), 2, 3(a) and (b), 4, 5(b), 6 and 7 in column (2) of the Table to rule 44 of Schedule 5, after “yr etholiad hwn” insert “i'r Cynulliad”.

Rule 46 of Schedule 5 (voting procedure)

12. At the end of rule 46 of Schedule 5 add—

“(8) Where the poll at an Assembly election is taken together with a poll at a local government election the same copy of the register of electors or where paragraph (3) applies, the same copy of the notice may be used under paragraph (1) for each election and—

- (a) one mark may be placed in that register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been received in respect of each election; and
- (b) where a ballot paper has not been issued in respect of each election, a different mark shall be placed in the register, on the notice or list so as to identify the election in respect of which the ballot paper was issued.”

Rule 47 of Schedule 5 (votes marked by presiding officer)

13. At the end of rule 47 of Schedule 5 add—

“(6) Where the poll at an Assembly election is taken together with a poll at a local government election the same list of votes marked by the presiding officer may be used for each election and, where it is so used, an entry in that list shall be taken to mean that

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the ballot papers were so marked in respect of each election, unless the list identifies the election at which a ballot paper was so marked.”.

Rule 48 of Schedule 5 (voting by persons with disabilities)

14. At the end of rule 48 of Schedule 5 add—

“(10) Where the poll at an Assembly election is taken together with a poll at a local government election the same list of voters with disabilities assisted by companions may be used for each election and, where it is so used, an entry in that list shall be taken to mean the votes were so given in respect of each election, unless the list identifies the election at which a vote was so given.”.

Rule 49 of Schedule 5 (tendered ballot papers)

15. At the end of rule 49 of Schedule 5 add—

“(13) Where the poll at an Assembly election is taken together with a poll at a local government election the same tendered votes list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.”.

Rule 51 of Schedule 5 (correction of errors on the day of poll)

16. At the end of rule 51 of Schedule 5 add—

“Where the poll at an Assembly election is taken together with a poll at a local government election the same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election, unless the list identifies the election for which a ballot paper was issued”.

Rule 52 of Schedule 5 (adjournment of poll in case of riot)

17. After rule 52(1) of Schedule 5 insert—

“(1A) Where the poll at an Assembly election is taken together with a poll at a local government election, and the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 is not a constituency returning officer, the notice required to be given under paragraph (1)(b) or (c) shall also be given to the first mentioned returning officer.”.

Rule 53 of Schedule 5 (procedure on close of poll)

18.—(1) After rule 53(1) of Schedule 5 insert—

“(1A) Where paragraph (1) applies and the poll is taken together with a poll at a local government election the contents of the packets referred to in paragraph (1)(b) to (e), (g) and (h) shall not be combined with the contents of packets made under the corresponding rule that applies at a local government election; nor shall the statement prepared under paragraph (4) be so combined.”.

(2) After rule 53(2) of Schedule 5 insert—

“(2A) Where paragraph (2) applies and the poll is taken together with a poll at a local government election—

(a) the contents of the packets referred to in paragraph (2)(b), (c), (e) and (f) shall not be combined with the contents of packets made under the corresponding rule

that applies at a local government election; nor shall the statement prepared under paragraph (4) be so combined; and

- (b) references to the constituency returning officer in paragraph (3) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4.”.

Rule 54 of Schedule 5 (time of, and attendance at, counting of votes)

19.—(1) After rule 54(2) of Schedule 5 insert—

“(2A) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer at the Assembly election does not discharge the functions specified in paragraph 2 of Schedule 4 (so that sub-paragraph (1) does not apply), the constituency returning officer shall make arrangements for counting the votes in the presence of the counting agents after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and he shall also give to the counting agents notice in writing of the time and place he will begin to count the votes if he has by then received the ballot papers.

(2B) At a regional election notice under paragraph (2A) shall also be given to the regional returning officer.”.

(2) In rule 54(6), before “the efficient” insert “the efficient separating of the ballot papers or, as the case may be,”.

Rule 55 of Schedule 5 (the count)

20.—(1) For rules 55(1) to (3) of Schedule 5 substitute—

“(1) Where the poll at an Assembly election is taken together with the poll at a local government election and if the constituency returning officer for the Assembly constituency discharges the functions specified in paragraph 2 of Schedule 4, he must—

- (a) in the presence of the counting agents appointed for the purposes of the Assembly and local government elections open each ballot box and record separately the number of ballot papers in each box for each election;
- (b) in the presence of the election agents appointed for the purposes of the Assembly and local government elections verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to each election;
- (e) make up into packets the ballot papers for each election other than the Assembly elections 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 at the election 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, or cause to be delivered, to that officer packets that so relate containing,—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers; and

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(iii) the completed corresponding number lists and the certificates as to employment on duty on the day of the poll.

(2) Where separate ballot boxes have been used, no vote shall be rendered invalid solely by the ballot paper being placed in the wrong ballot box.

(2A) After the completion of the proceedings under paragraph (1) the returning officer shall separately mix together all the ballot papers used at the Assembly constituency election and those used at the Assembly regional election (or if only one poll is held in respect of an Assembly election, the ballot papers used at that election) and count the votes given on them.

(2B) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer does not discharge the functions specified in paragraph 2 of Schedule 4 he must—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 54(2A), in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) in respect of each Assembly election, mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them;

and paragraph (12) shall not apply to these proceedings

(3) The proceedings described in paragraph (1) may be undertaken at a different place (or at different places) than a place at which the votes at an Assembly election are counted; but if the power is so exercised paragraph (4) does not apply with respect to the ballot papers and other documents relating to the local government election.”

(2) Paragraphs (16) to (18) of rule 55 shall not apply to these proceedings.

Rule 67 of Schedule 5 (delivery of documents to relevant registration officer)

21. After rule 67(2) of Schedule 5 insert—

“(3) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer does not discharge the functions specified in paragraph 2 of Schedule 4, paragraph (2) shall have effect as if paragraphs (c) and (f) were omitted.”

Rule 70 of Schedule 5 (constituency election: death of independent candidate)

22. After rule 70(5) of Schedule 5 insert—

“(6) neither the countermand of the notice of poll at the Assembly election nor the direction that the poll be abandoned shall affect the poll at the local government election.”

Rule 73 of Schedule 5 (constituency election: death of party candidate)

23.—(1) After rule 73(2) of Schedule 5 insert—

“(2A) Neither the countermand of the notice of poll at the Assembly election nor the direction that the poll be abandoned shall affect the poll at the local government election.”

(2) In paragraph (4) after “with reference to the” insert “Assembly”.

Rule 76 of Schedule 5 (abandoned poll)

24. After rule 76(10) of Schedule 5 insert—

“(11) Where the poll at an Assembly election is taken together with a poll at a local government election and the poll at the Assembly election is abandoned by reason of a candidate’s death (and paragraph (10) does not apply) the steps required by the presiding officer at such a polling station by paragraph (2) shall take place at the close of poll; and in paragraph (3)—

- (a) references to the constituency returning officer shall be construed as references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 5; and
- (b) “having separated the ballot papers relating to the local government election,” shall be construed as having been inserted after “constituency returning officer”.

Schedule 10 (appendix of forms)(form CP)

25. In Schedule 10, after form CP insert—

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

Rule 37(14) of Schedule 5 as substituted by paragraph 8(2) of Schedule 4

Guidance for Voters

1. When you are given the ballot papers go to one of the compartments.
2. At an Assembly election you may vote once on *[each][the]* ballot paper. Mark your choice with a cross (X) in the box on the right hand side of the paper opposite the name of the candidate or party for whom you are voting.
3. At the local government election**[s]*, *[each][the]* ballot paper*[s]* state*[s]* how many times you may vote. Mark your choice*[s]* with a cross (X) in the box on the right hand side of the paper*[s]* opposite the name*[s]* of the candidate*[s]* for whom you are voting.
4. Vote only for the number of candidates specified on *[each][the]* ballot paper. Put no other mark on the ballot paper or your vote may not be counted.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
6. Fold the ballot papers so as to conceal your vote and to show the back of the ballot paper to disclose the number and unique identifying mark 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.

Cyfarwyddyd i Bleidleiswyr

1. Pan gewch chi'r papurau pleidleisio, ewch i un o'r bythau.
2. Mewn etholiad ar gyfer y Cynulliad, gallwch bleidleisio unwaith ar *[bob]* *[y]* papur pleidleisio. Marciwch eich dewis â chroes (X) yn y blwch ar ochr dde y papur gyferbyn ag enw'r ymgeisydd neu'r blaid yr ydych yn pleidleisio drosto/drosti.
3. Yn yr etholiad *[au]* llywodraeth leol, mae *[pob]* *[y]* papur*[au]* pleidleisio yn datgan faint o weithiau y cewch chi bleidleisio. Marciwch eich dewis*[iadau]* â chroes (X) yn y blwch ar ochr dde y papur*[au]* gyferbyn ag enw*[au]*'r ymgeisydd*[ymgeiswyr]* yr ydych yn pleidleisio drosto/drostynt.
4. Pleidleisiwch dros nifer yr ymgeiswyr a bennir ar *[bob][y]* papur pleidleisio – dim mwy, dim llai. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.
5. Os byddwch chi'n difetha papur pleidleisio trwy gamgymeriad, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.
6. Plygwch y papurau pleidleisio fel eich bod yn cuddio eich pleidlais ac yn dangos cefn y papur pleidleisio i ddangos y rhif a'r marc adnabod unigryw i'r swyddog llywyddu. Peidiwch â gadael i newb weld eich pleidlais. Rhowch bob papur pleidleisio yn y blwch pleidleisio *[priodol]* a gadael ye orsaf bleidleisio.
** delete as appropriate..*

Schedule 10 (appendix of forms) (form CQ)

26.—(1) In Schedule 10, the form CQ shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In that part of the form in English for “the Assembly election now being held in this [constituency] [and] [electoral region]” substitute “the elections now being held in this Assembly constituency [, Assembly electoral region] and, in the case of a local government election which is not a mayoral election, [*name of electoral area for which election is held and name of local government area*] or, in the case of a local government election which is a mayoral election, [*name of local government area*]”.

(3) In that part of the form in Welsh for “yn etholiad y Cynulliad a gynhelir yn awr yn yr [etholaeth hon] [a'r] [rhanbarth etholiadol hwn]” substitute “yr etholiadau a gynhelir yn awr yn yr etholaeth y cynulliad hon [, y rhanbarth etholiadol Cynulliad hwn] ac, yn achos etholiad llywodraeth leol nad yw yn etholiad maerol, [enw'r ardal etholiadol y cynhelir yr etholiad hwn ar ei chyfer ac enw'r ardal llywodraeth leol] neu, yn achos etholiad llywodraeth leol sydd yn etholiad maerol, [enw'r ardal llywodraeth leol]”.

PART 3

Modifications to election rules to apply where the poll at an election of county or county borough councillors is taken together with a poll at an Assembly election under Article 16(1) or (2)

Modifications to principal area election rules: general provision

27.—(1) Where the poll at an election of county or county borough councillors is taken together with the poll at an Assembly election under article 16(1) or (2), Schedule 3 to the Local Elections (Principal Areas)(England and Wales) Rules 2006(4) (rules for conduct of an election of councillors of a principal area) shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

(2) In this Part the rules in that Schedule referred to in sub-paragraph (1) are referred to as the principal area election rules.

Rule 16 of principal area election rules (the ballot papers)

28.—(1) After rule 16(2)(d) of the principal area election rules insert—

“(e) must be of a different colour from that of any ballot papers used at an Assembly election and at any local government election the polls of which are taken together with the poll at the principal area election.”.

(2) At the end of rule 16 of the principal area election rules add—

“(6) References to an Assembly election in paragraph (2)(e) and elsewhere in these rules refer to an election to the National Assembly for Wales; and references to an Assembly election (and to a poll at such an election) include a reference to Assembly elections (and to polls at such elections) where the context so requires.”.

Rule 21 of principal area election rules (notice of poll)

29. In rule 21 of the principal area election rules for paragraph (4) substitute—

“(4) The notice published under paragraph (3) must:

- (a) state that the poll at the principal area election is to be taken together with the poll at an Assembly election and any other local government election;
- (b) specify the Assembly constituency or electoral region and any relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and
- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

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Rule 25 of principal area election rules (issue of official poll cards)

30. At the end of rule 25 add—

“(7) An official poll card issued under this rule may be combined with the official poll card issued at an Assembly election and any other local government election.”

Rule 26 of principal area election rules (equipment of polling stations)

31.—(1) For rule 26(2) of the principal area election rules substitute—

“(2) The same ballot box may be used for the poll at the principal area election and for the polls at the Assembly election and any other local government election if the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007 so decides and a decision may make different provision for different polling stations.”

(2) For rule 26(7) of the principal area election rules substitute—

“(7) Where the same ballot box is not used under paragraph (2) each ballot box shall be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma.”

(3) For rule 26(10) of the principal area election rules substitute—

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

(a) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than ... candidates on the local government ballot paper coloured [*colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy nag ... o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidleisiau eu cyfrif.”; or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(b) in respect of an Assembly election for an Assembly constituency—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; and

- (c) in respect of an Assembly election for an Assembly electoral region—
- “Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.
- Pleidleisiwch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*Iliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.

Rule 27 of principal area election rules (appointment of polling and counting agents)

32. For rule 27(6) of the principal area election rules substitute—
- “(6) Notices of the appointment of polling agents which are required by this paragraph and paragraphs (7) and (8) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007.”.

Rule 35 of principal area election rules (voting procedure)

33. For rule 35(6) of the principal area election rules substitute—
- “(6) The same copy of the register of electors which is used under paragraph (1) for the principal area election or, where paragraph (3) applies, the same copy of the notice issued under section 13(3B) or (3D) of the 1983 Act may be used for the Assembly election—
- (a) and one mark may be placed in that register under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been received in respect of each election;
- (b) but where a ballot paper has been issued in respect of one election only, a different mark must be placed in the register or, as the case may be, on that notice or in that list so as to identify the election in respect of which the ballot paper was issued.”.

Rule 36 of principal area election rules (votes marked by presiding officer)

34. For rule 36(4) of the principal area election rules substitute—
- “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

Rule 37 of principal area election rules (voting by persons with disabilities)

35. For rule 37(6) of the principal area election rules substitute—
- “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”.

Rule 39 of principal area election rules (tendered ballot papers, general provisions)

36. For rule 39(3) of the principal area election rules substitute—
- “(3) The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.”.

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Rule 42 of principal area election rules (adjournment of poll in case of riot)

37. In rule 42(1) of the principal area election rules substitute—

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

- (a) to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007; and
- (b) in the case of a regional election, whether or not the poll is taken with the poll at a constituency election, to the regional returning officer.”.

Rule 43 of principal area election rules (procedure on close of poll)

38.—(1) For rule 43(2) of the principal area election rules substitute—

“(2) The contents of the packets referred to in paragraph (1)(b), (c) (e) and (f) shall not be combined with the contents of the packets made under the corresponding provisions that apply to an Assembly election and any other local government election; nor shall the statement prepared under paragraph (3) be so combined.”.

(2) For rule 43(3) of the principal area election rules substitute—

“(3) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007.”.

Rule 44 of principal area election rules (attendance at counting of votes)

39. For rule 44(1) and (2) of the principal area election rules substitute—

“(1) Where the returning officer at the principal area election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

- (a) make arrangements for—
 - (i) discharging the functions under rule 45(1) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007) in the presence of the counting agents appointed for the purposes of the principal area election and Assembly election as soon as practicable after the close of the poll; and
 - (ii) thereafter counting the votes at the principal area election in the presence of the agents appointed for the purpose of that election; and
- (b) give to the counting agents appointed for the purpose of those elections notice in writing of the time and place at which he will begin to discharge the functions under rule 45(1) (as so substituted).

(2) Where the returning officer at the principal area election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall make arrangements for counting the votes in the presence of the counting agents appointed for the purposes of the principal area election as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and shall give to the counting agents notice in writing of the time at which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.”.

Rule 45 of principal area election rules (the count)

40. For rule 45(1) of the principal area election rules substitute—

“(1) Where the returning officer at the principal area election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the principal area election and Assembly election open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the election agents appointed for the purposes of the principal area election and Assembly election verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to each election;
- (e) make up into packets the ballot papers for each election other than the principal area election and seal them up in separate containers endorsing on each a description of the election to which the ballot papers relate;
- (f) deliver, or cause to be delivered, to the returning officer for the election to which the ballot papers relate (or, in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the votes were given on those ballot papers)—
 - (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, or cause to be delivered, to that officer packets that so relate containing (as appropriate)—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers;
 - (iii) the completed corresponding number lists; and
 - (iv) the certificates as to employment on duty on the day of the poll.

(1A) Where the returning officer at the principal area election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(2) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007), in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (11) does not apply to these proceedings.”.

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Rule 52 of principal area election rules (delivery of documents to relevant registration officer)

41. At the end of rule 52(1) of the principal area election rules add—

“At an election where the returning officer does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, this paragraph shall have effect as if sub-paragraphs (c) and (f) were omitted.”.

Rule 55 of principal area election rules (countermand or abandonment of poll on death of candidate)

42.—(1) For rule 55(2) of the principal area election rules substitute—

“(2) Neither the countermand of the notice of the poll at the principal area election nor the direction that that poll be abandoned shall affect the poll at the Assembly election and any other local government election.”.

(2) For rule 55(3) of the principal area election rules substitute—

“(3) Where the poll at the principal area election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the Assembly election and any other local government election, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the principal area election had not been abandoned, and the returning officer shall dispose of ballot papers used at the principal area election 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 the Assembly election and any other local government election, shall take no step or further step for the counting of the ballot papers used at the principal area election or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

(3) Paragraphs (4) to (8) of rule 53 shall not apply.

Appendix of forms to principal area election rules (postal voting statement)

43.—(1) In the Appendix of forms to the principal area election rules, for the form of postal voting statement substitute—

- (a) the form set out in sub-paragraph (2) where the proceedings on the issue and receipt of postal ballot papers at the principal area election are taken together with those proceedings at an Assembly election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007; and
- (b) the form set out in sub-paragraph (3) where those proceedings are not taken together.

(2) Where sub-paragraph (1)(a) applies, substitute form CC2 in English and Welsh referred to in paragraph 3(b) in Schedule 3 and shown in Schedule 10.

(3) The following form shall be substituted where sub-paragraph (1)(b) applies—

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Front of form	
Representation of the People Acts	
Voter's name..... Ballot paper number.....(Colour)	
*(Returning officer to insert name but omit where ballot paper is sent to an elector with anonymous registration).	
You must provide your [# signature and] date of birth. If you do not your postal voting statement will be invalid and your vote will not be counted.	
I AM THE PERSON TO WHOM THE BALLOT PAPERS NUMBERED AS ABOVE WERE SENT.	
date of birth	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Voter's date of birth
# Signature	<div style="border: 1px solid black; width: 200px; height: 40px; margin: 5px 0;"></div> (voter' signature) IMPORTANT – Keep signature within border
#(Returning officer to omit where a person has been granted a waiver)	
Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.	
Issued by the returning officer	
Instructions to the Voter	
Complete the ballot paper yourself and in private. If you need help contact the returning officer's staff as shown below. [Contact details for assistance include address as appropriate]	

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Electoral fraud is a crime. You must not vote using a ballot paper which is not addressed to you or interfere with another’s ballot paper.
1.This postal voting statement relates to the ballot paper for the local government election only.
2.You must provide your [# signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not be counted.
3.The ballot paper and postal voting statement must be received by the returning officer by 10pm on [date]. You can deliver your completed postal vote to any polling station in the constituency on polling day.
4.If you need help voting, the person helping you must not tell anyone how you have voted.
5.The local government election ballot paper tells you how many times you may vote on that paper. Mark a cross (X) opposite the candidate[s] you wish to vote for. Put no other mark on the ballot paper or your vote may not be counted.
6.Different colours are used for the ballot papers for each election. Each type of election has its own ballot paper envelope (marked A), postal voting statement and return envelope (marked B).The return envelope and postal voting statement for each election refer to the colour of the relevant ballot paper or papers. It is important that you use the correct envelopes and postal voting statement or your vote may not be counted. You may find it helpful to sort the documents into separate sets.
7.Put the ballot paper in the appropriate small envelope marked A and seal it.
8.Complete the postal voting statement by signing it and providing your date of birth.
9.Then put the envelope marked A together with the postal voting statement in the larger envelope marked B . Return it straightaway.
10.After receiving this postal vote, you cannot vote in person at a polling station in this election.
11.If you accidentally spoil the local government election postal ballot paper, you can apply to the returning officer for a replacement before 5pm on [day/date of poll]. You must return, the spoiled ballot paper, the postal voting statement and the envelopes marked ‘ A ’ and ‘ B ’. Make sure you contact the returning officer as soon as possible.
Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter’s ballot paper.
To vote more times than stated on the ballot paper is illegal
<i># (Returning officer to omit where a person has been granted a waiver.)</i>

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Tu blaen y ffurflen	
Cynulliad Cenedlaethol Cymru	
Enw'r pleidleisiwr.....	Rhif y papur pleidleisio(lliw)
<i>*(Y swyddog canlyniadau i nodi'r enw ond ei adael allan pan anfonir y papur pleidleisio at etholwr gyda chofrestriad dienw).</i>	
Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Os na fyddwch yn gwneud hyn, bydd eich datganiad pleidleisio drwy'r post yn annilys ac ni chaiff eich pleidlais ei chyfrif.	
FI YW'R PERSON YR ANFONWYD Y PAPURAU PLEIDLEISIO SYDD WEDI'U RHIFO UCHOD ATO/ATI.	
dyddiad geni	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Dyddiad geni'r pleidleisiwr
#Llofnod	<input type="text"/> (llofnod y pleidleisiwr) PWYSIG – Cadwch y llofnod o fewn y border
<i>*(Y swyddog canlyniadau i'w adael allan pan fo person wedi cael hepgoriad)</i>	
Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.	
Cyhoeddwyd gan y swyddog canlyniadau	
Cyfarwyddiadau i'r Pleidleisiwr	

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<p>Llenwch y papur pleidleisio eich hun ac mewn preifatrwydd. Os bydd angen cymorth arnoch, cysylltwch â staff y swyddog canlyniadau fel y dangosir isod. [Manylion cyswllt i gael cymorth rhowch y cyfeiriad fel sy'n briodol] Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio rhywun arall.</p>
<p>1. Mae'r datganiad pleidleisio drwy'r post hwn yn berthnasol i'r papur pleidleisio ar gyfer yr etholiad llywodraeth leol yn unig.</p>
<p>2. Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Rhaid i chi wneud hyn hyd yn oed os ydych chi eisoes wedi llofnodi datganiad pleidleisio drwy'r post ar gyfer etholiad arall i'w gynnal ar yr un diwrnod. Os na fyddwch yn gwneud hyn, bydd y datganiad pleidleisio drwy'r post hwn yn annilys ac ni chaiff eich pleidlais ei chyfrif.</p>
<p>3. Rhaid i'r swyddog canlyniadau dderbyn y papur pleidleisio a'r datganiad pleidleisio drwy'r post erbyn 10pm ar [dyddiad]. Gallwch ddychwelyd eich pleidlais drwy'r post wedi'i llenwi i unrhyw orsaf bleidleisio yn yr etholaeth ar ddiwrnod y pleidleisio.</p>
<p>4. Os bydd angen help arnoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddweud wrth neb sut rydych chi wedi pleidleisio.</p>
<p>5. Mae papur pleidleisio'r etholiad llywodraeth leol yn datgan faint o weithiau y cewch chi bleidleisio ar y papur hwnnw. Rhowch groes (x) gyferbyn â'r ymgeisydd[ymgeiswyr] yr ydych am bleidleisio drosto/drosti [drostynt]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.</p>
<p>6. Defnyddir gwahanol liwiau ar gyfer y papurau pleidleisio ar gyfer pob etholiad. Mae gan bob etholiad amlen ar gyfer y papur pleidleisio (wedi'i marcio gydag A), datganiad pleidleisio drwy'r post ac amlen ddychwelyd (wedi'i marcio gyda B) ei hun. Mae'r amlen ddychwelyd a'r datganiad pleidleisio drwy'r post ar gyfer pob etholiad yn cyfeirio at liw'r papur neu bapurau pleidleisio perthnasol. Mae'n bwysig eich bod yn defnyddio'r amlenni a'r datganiad pleidleisio drwy'r post cywir, neu mae'n bosibl na fydd eich pleidlais yn cael ei chyfrif. Byddai'n help o bosib rhoi'r dogfennau mewn setiau ar wahân.</p>
<p>7. Rhowch y papur pleidleisio yn yr amlen fach briodol ag A arni a'i selio.</p>
<p>8. Llenwch y datganiad pleidleisio drwy'r post drwy ei lofnodi a rhoi eich dyddiad geni.</p>
<p>9. Yna, rhowch yr amlen ag A arni, ynghyd â'r datganiad pleidleisio drwy'r post, yn yr amlen fwy â B arni a'i dychwelyd yn syth.</p>
<p>10. Ar ôl derbyn y bleidlais drwy'r post hon, chewch chi ddim pleidleisio eich hun mewn gorsaf bleidleisio yn yr etholiad hwn.</p>
<p>11. Os byddwch chi'n difetha'r papur pleidleisio drwy'r post ar gyfer yr etholiad llywodraeth leol drwy gamgymeriad, cewch ofyn i'r swyddog canlyniadau am un arall cyn 5 p.m. ar [diwrnod/dyddiad y pleidleisio]. Rhaid i chi ddychwelyd y papur pleidleisio sydd wedi'i ddifetha, y datganiad pleidleisio drwy'r post a'r amlenni sydd wedi'u marcio ag 'A' a 'B'. Gwnewch yn siŵr eich bod yn cysylltu â'r swyddog canlyniadau cyn gynted â phosib.</p>
<p>Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.</p>
<p>Mae'n anghyfreithlon pleidleisio'n amlach nag a nodir ar y papur pleidleisio</p>
<p><i>#(Y swyddog canlyniadau i'w adael allan pan fo person wedi cael hepgoriad.)</i></p>

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Appendix of forms to principal area election rules (directions for the guidance of the voters in voting)

44. In the Appendix of forms to the principal area election rules, for the form of directions for the guidance of the voters in voting there shall be substituted the same form of directions as is set out in paragraph 25.

Appendix of forms to principal area election rules (declaration to be made by the companion of a voter with disabilities)

45. In the Appendix of forms in the principal area election rules, for the form of declaration to be made by the companion of a voter with disabilities there shall be substituted the following form—

Elections to [The National Assembly for Wales, **(insert name)* County [Borough] Council and **(insert name)* [Town][Community] Council]

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

I,.....(*name of companion*)
of.....(*address of companion*)
having been requested to assist.....(*name of elector*)
[*in the case of a voter with disabilities voting as proxy, add "voting as proxy for*
.....(*name of elector*)] whose number on the register
isto record their vote at the election now being held in this
[*community][*local government area][*Assembly constituency][*Assembly electoral region]
**(delete as appropriate)*

hereby declare that

- I am entitled to vote as an elector at the said elections.
- I am the (*state relationship of the companion to the voter*) of the said voter and have attained the age of 18 years, and
- I have not previously assisted any voter with disabilities [except, (*name of elector*), of.....(*address of other elector*)] to vote at the said elections.

Signed(*companion*)

Date.....

I, the undersigned, being the presiding officer for(*polling station*) for theelectoral division/ward of hereby certify that the above declaration, having been first read to the above named companion and was signed by the companion in my presence.

Signed(*presiding officer*)

Date.....Time(*am/pm*)

Note

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

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Etholiadau i [Gynulliad Cenedlaethol Cymru, Cyngor [Bwrdeistref] Sir *(*rhowch enw*) a
[Chyngor [Tref]][Cymuned] *(*rhowch enw*)]

Form Title

Ffurf ar ddatganiad sydd i'w wneud gan gydymaith pleidleisiwr gydag anableddau
Yr wyf i,.....(*enw'r cydymaith*)
o(*cyfeiriad y cydymaith*)
wedi derbyn cais i gynorthwyo(*enw'r etholwr*)
[*yn achos etholwr gydag anableddau yn pleidleisio fel dirprwy, ychwaneger* "yn pleidleisio fel
dirprwy ar ran
.....(*enw'r etholwr*)] y mae ei rif ar y gofrestr fel a ganlyn
.....i gofnodi eu pleidlais yn yr etholiad a gynhelir yn awr yn y
[*gymuned][*ardal llywodraeth leol][*Etholaeth y Cynulliad][*Rhanbarth etholiadol y Cynulliad]
*(*dileer fel sy'n briodol*)

yn datgan drwy hyn

- Fod gennyf hawl i bleidleisio fel etholwr yn y cyfryw etholiadau.
- Mai fi yw (*nodwch berthynas y cydymaith â'r pleidleisiwr*) y cyfryw bleidleisiwr, fy mod yn 18 oed neu drosodd, ac
- Nad wyf yn flaenorol wedi cynorthwyo unrhyw bleidleisiwr gydag anableddau [ac eithrio (*enw'r etholwr*), o(*cyfeiriad yr etholwr arall*)] i bleidleisio yn y cyfryw etholiadau.

Llofnodwyd.....(*cydymaith*)

Dyddiad:.....

Yr wyf i, sydd wedi llofnodi isod, sef y swyddog llywyddu dros(*gorsaf bleidleisio*) ar gyfer

Ward/ardal etholiadol o drwy hyn yn tystio bod y datganiad uchod, wedi iddo gael ei ddarllen yn gyntaf i'r cydymaith a enwir uchod, wedi'i lofnodi gan y datganydd yn fy ngŵydd.

Llofnod(*swyddog llywyddu*)

DyddiadAmser.....(*am/pm*)

Sylwer

1. Os bydd person sy'n gwneud y datganiad uchod yn datgan anwiredd perthnasol yn fwriadol a chan wybod hynny, bydd yn euog o drosedd.
2. Pleidleisiwr gydag anableddau yw pleidleisiwr sydd wedi gwneud datganiad dan reolau etholiadau lleol ei fod wedi'i analluogi gymaint gan ei ddallineb neu anabledd arall, neu gan ei anallu i ddarllen, fel na all bleidleisio heb gymorth.

PART 4

Modifications to election rules to apply where the poll at an election of community councillors is taken together with the poll at an Assembly election under Article 16(1) or (2)

Modifications to community election rules: general provision

46.—(1) Where the poll at an election of community councillors is taken together with the poll at an Assembly election under article 16(1) or (2), Schedule 3 to the Local Elections (Parishes and Communities)(England and Wales) Rules 2006⁽⁵⁾ shall have effect subject to the modifications set out in to the remaining paragraphs of this Part.

(2) In this Part the rules in that Schedule referred to in sub-paragraph (1) are referred to as the community election rules.

Rule 16 of community election rules (the ballot papers)

47.—(1) At the end of rule 16(2) of the community election rules add—

“(e) must be of a different colour from that of any ballot papers used at an Assembly election and any local government election the polls at which are taken together with the poll at the community election.”.

(2) At the end of rule 16 of the community election rules add—

“(6) References to an Assembly election in paragraph (2)(e) and elsewhere in these rules refer to an election to the National Assembly for Wales; and references to an Assembly election (and to a poll at such an election) include a reference to Assembly elections (and to polls at such elections) where the context so requires.”.

Rule 21 of community election rules (notice of poll)

48. For rule 21(4) of the community election rules substitute—

“(4) The notice published under paragraph (3) shall:

- (a) state that the poll at the community election is to be taken together with the poll at an Assembly election and any other local government election;
- (b) specify the Assembly constituency or electoral region and any relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and
- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

Rule 25 of community election rules (issue of official poll cards)

49. At the end of rule 25 to the community election rules add—

“(8) An official poll card issued under this rule may be combined with the official poll card issued at an Assembly election and any other local government election.”.

Rule 26 of community election rules (equipment of polling stations)

50.—(1) For rule 26(2) of the community election rules substitute—

(5) [S.I. 2006/3305](#).

“(2) The same ballot box may be used for the poll at the community election and for the polls at the Assembly election and any other local government election if the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007 so decides and a decision may make different provision for different polling stations.”.

(2) For rule 26(7) of the community election rules substitute—

“(7) Where the same ballot box is not used under paragraph (2) each ballot box shall be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma.”.

(3) For rule 26(10) of the community election rules substitute—

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

(a) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than candidates on the local government ballot paper coloured [**colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy nag o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(b) in respect of an Assembly election for an Assembly constituency—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; and

(c) in respect of an Assembly election for an Assembly electoral region—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.

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Rule 27 of community election rules (appointment of polling and counting agents)

51. For rule 27(6) of the community election rules substitute—

“(6) Notices of appointment of polling and election agents which are required by paragraphs (5) and (7) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007”.

Rule 35 of community election rules (voting procedure)

52. For rule 35(6) of the community election rules substitute—

“(6) The same copy of the register of electors which is used for the community election under paragraph (1), or where paragraph (3) applies, the same copy of the notice issued under section 13(3B) or (3D) of the 1983 Act, may be used for the Assembly election—

- (a) and one mark may be placed in that register or on that notice under paragraph (1) (c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each election;
- (b) but where a ballot paper has been issued in respect of one election only, a different mark must be placed in the register or, as the case may be, on that notice or in that list so as to identify the election in respect of which a ballot paper was issued.”.

Rule 36 of community election rules (votes marked by presiding officer)

53. For rule 36(4) of the community election rules substitute—

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

Rule 37 of community election rules (voting by persons with disabilities)

54. For rule 37(6) of the community election rules substitute—

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

Rule 39 of community election rules (tendered ballot papers; general provisions)

55. For rule 39(3) of the community election rules substitute—

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

Rule 42 of community election rules (adjournment of poll in case of riot)

56. For rule 42(1) of the community election rules substitute—

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

- (a) to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007; and
- (b) in the case of a regional election, whether or not the poll is taken with the poll at a constituency election, to the regional returning officer.”.

Rule 43 of community election rules (procedure on close of poll)

57.—(1) For rule 43(2) of the community election rules substitute—

“(2) The contents of the packets referred to in paragraph (1)(b), (c), (e) and (f) shall not be combined with the contents of the packets made under the corresponding provisions that apply at an Assembly election and any other local government election; nor shall the statement prepared under paragraph (5) be so combined”.

(2) For rule 43(3) substitute—

“(3) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007.”.

Rule 44 of community election rules (attendance at counting of votes)

58.—(1) For rule 44(1) and (2) of the community election rules substitute—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

(a) make arrangements for—

(i) discharging the functions under rule 45(1) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007) in the presence of the counting agents appointed for the purposes of the community election and Assembly election as soon as practicable after the close of the poll; and

(ii) thereafter counting the votes at the community election in the presence of the agents appointed for that election; and

(b) give to those counting agents appointed for the purposes of the community election and Assembly election notice in writing of the time and place at which he will begin to discharge the functions under rule 45(1).

(2) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

(a) make arrangements for counting the votes in the presence of the counting agents appointed for the purposes of the community election as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and

(b) must give to the counting agents notice in writing of the time at which he will begin to count the votes, if by then he has received the ballot papers and the place at which the count will take place.”.

(2) In rule 44(3) of the community election rules after “at the counting of the votes” insert “in accordance with rule 45(1) (as substituted) or”.

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Rule 45 of community election rules (the count)

59.—(1) For rule 45(1) of the community election rules substitute—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

- (a) in the presence of the counting agents appointed for the purposes of the poll at the community election and Assembly election open each ballot box and count and record separately the number of ballot papers used in each election;
- (b) in the presence of the counting agents appointed for the purposes of the poll at the community election and the election agents appointed for the purposes of the Assembly elections, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to each election;
- (e) make up into packets the ballot papers for each election other than the community election and seal them up in separate containers endorsing on each a description of the election to which the ballot papers relate;
- (f) deliver, or cause to be delivered, to the returning officer for the election to which the ballot papers relate (or, in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the votes were given on those ballot papers)—
 - (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, or cause to be delivered, to that officer packets that so relate containing (as appropriate)—
 - (i) the unused and spoiled ballot papers;
 - (ii) the tendered ballot papers;
 - (iii) the completed corresponding number lists; and
 - (iv) the certificates as to employment on duty on the day of the poll.”.

(2) For rule 45(2) substitute—

“(2) Where separate ballot boxes are used for the community election and Assembly election no vote for any candidate shall be rendered invalid by the ballot papers being placed in the wrong ballot box.”.

(3) For rule 45(3) and (4) substitute—

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

(4) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(2) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007), in the presence of the counting agents open each container;

- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007, 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.”.
- (4) Rule 45(10) does not apply to these proceedings.

Rule 55 of community election rules (countermand or abandonment of poll on death of candidate)

- 60.—(1) For rule 55(2) of the community election rules substitute—
- “(2) Neither the countermand of the notice of the poll at the community election nor the direction that that poll be abandoned shall affect the poll at the Assembly election and any other local government election.”.
- (2) For rule 55(4) of the community election rules substitute—
- “(4) At the close of the poll for the Assembly election and any other local government election, the presiding officer shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the community election had not been abandoned.”.
- (3) For rule 55(7) substitute—
- “(7) Having separated the ballot papers relating to the Assembly election and local government election (as the case may be) the returning officer must take no step or further step for the counting of the ballot papers used at the community election (at which the candidate has died) or of the votes.”.

Appendix of forms to community election rules (postal voting statement)

61. In the Appendix of forms to the community election rules, for the form of postal voting statement substitute—
- (a) the form set out in paragraph 43(2) where the proceedings on the issue and receipt of postal ballot papers at the community election are taken together with those proceedings at an Assembly election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007; and
 - (b) the form set out in paragraph 43(3) where those proceedings are not taken together.

Appendix of forms to community election rules (directions for the guidance of the voters in voting)

62. In the Appendix of forms to the community election rules, for the form of directions for the guidance of the voters in voting substitute the same form of directions as is set out in paragraph 25.

Appendix of forms to community election rules (declaration to be made by the companion of a voter with disabilities)

63. In the Appendix of forms to the community election rules, for the form of declaration to be made by the companion of a voter with disabilities, substitute the form set out in paragraph 45.

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