

SCHEDULE 5

Rule 5(3)

THE CONSTITUENCY MEMBERS ELECTION RULES

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## PART 1

### General Provisions

#### Citation

1. This Schedule may be cited as the Constituency Members Election Rules.

#### Interpretation

- 2.—(1) In the rules in this Schedule, unless the context indicates otherwise—
  - “Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(1);
  - “counting observer” has the same meaning as in regulation 2 of the Referendum Regulations;
  - “counting officer” has the same meaning as in regulation 9 of the Referendum Regulations;
  - “election” means an election of a constituency member of the London Assembly;
  - “electoral area” where the Authority election is held together with a referendum, includes a voting area where the referendum is held;
  - “European Parliamentary election” has the same meaning as in section 27(1) of the Representation of the People Act 1985(2);
  - “local authority mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(3);
  - “local counting area” has the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004(4);
  - “petition organiser” has the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000(5);
  - “polling observer” has the same meaning as in regulation 2 of the Referendum Regulations;
  - “referendum” means a referendum conducted under the Referendum Regulations;
  - “Referendum Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2007(6);
  - “relevant election or referendum” means one or more of the following—
    - (a) a Parliamentary election,
    - (b) a European Parliamentary election,
    - (c) a local government election (including another Authority election where more than one is taken together),
    - (d) a local authority mayoral election or referendum in accordance with regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(7);
  - “voting area” has the same meaning as in regulation 2 of the Referendum Regulations.
- (2) In the case of a referendum, a reference to—
  - (a) a “candidate” shall be construed as a reference to a counting observer,

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(1) [S.I. 2004/294](#). Relevant amendments have been made to those regulations by [S.I. 2006/3278](#).

(2) 1985 c. 50. The definition was amended by section 3 of the European Communities (Amendment) Act 1986 (c. 58).

(3) [S.I. 2007/1024](#).

(4) [S.I. 2004/293](#).

(5) [S.I. 2000/2852](#).

(6) [S.I. 2007/2089](#).

(7) [2000 c.22](#). Sections 44 and 45 were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41).

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- (b) a “election agent” shall be construed as a reference to a counting observer,
  - (c) a “polling agent” shall be construed as a reference to polling observer,
  - (d) a “returning officer” shall be construed as a reference to a counting officer.
- (3) Reference to a rule by number alone is a reference to the rule so numbered in this Schedule.

## PART 2

### Provisions As To Time

#### Timetable

3. The proceedings at the election must be conducted in accordance with the following timetable:

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the thirtieth day before the day of election.
Delivery of nomination papers	Not later than noon on the twenty-fourth day before the day of election.
Publication of statement as to persons nominated	Not later than noon on the twenty-second day before the day of election.
Delivery of notices of withdrawals of candidature	Not later than noon on the twenty-first day before the day of election.
Notice of poll	Not later than the sixth day before the day of election.
Polling	Between the hours of 7 in the morning and 10 at night on the day of election.

#### Computation of time

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

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

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

(2) In this rule, “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(8) in England and Wales.

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(8) 1971 c. 80

## PART 3

### Stages Common To Contested And Uncontested Elections

#### Notice of election

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

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

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

(2) The notice of election must state the arrangements (if any) which apply for the payment of the deposit required by rule 8 by means of the electronic transfer of funds.

(3) The notice of election must state the date by which—

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

must reach the registration officer for local government electors in order that they may be effective for the election.

#### Nomination of candidates

6.—(1) Each candidate must be nominated by a separate nomination paper, which must be—

- (a) in the appropriate form, and
- (b) delivered to the place fixed for the purpose by the CRO, which must be at the offices of a local authority within the Assembly constituency, before the last time for the delivery of nomination papers.

(2) The nomination paper must state the candidate's—

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

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

(3) If a candidate commonly uses—

- (a) a surname which is different from any other surname he has, or
- (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename, or both surname and forename, in addition to the other name.

(4) The description (if any) can only be—

- (a) one authorised as mentioned in paragraph (5) or (7), or
- (b) the word “Independent”.

(5) A nomination paper may not include a description of a candidate that is likely to lead electors to associate the candidate with a registered party unless—

- (a) the party is a qualifying party in relation to the electoral area, and
- (b) the description is authorised by a certificate—

- (i) issued by or on behalf of the registered nominating officer of the party, and

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- (ii) received by the CRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.
- (6) In paragraph (5) an authorised description may be either—
  - (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000<sup>(9)</sup>, or
  - (b) a description of the party registered under section 28A<sup>(10)</sup> of that Act.
- (7) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate—
  - (a) issued by or on behalf of the registered nominating officer of each of the parties, and
  - (b) received by the CRO before the last time for the delivery of nomination papers set out in the timetable in rule 3.
- (8) For the purposes of paragraph (7), a description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Act<sup>(11)</sup>.
- (9) A person will be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (5) or (7) on behalf of a registered party's nominating officer.
- (10) For the purposes of the application of these rules in relation to an election—
  - (a) “registered party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election,
  - (b) a registered party is a qualifying party in relation to an electoral area if on the relevant day the party was registered in respect of England in the Great Britain register maintained under that Part of that Act.
- (11) For the purposes of paragraph (10)(a), any day falling within rule 4(1) must be disregarded.

### **Consent to nomination**

- 7. A person will not be validly nominated unless his consent to nomination—
  - (a) is given in writing in the appropriate form, or a form to like effect, on or within one month before the last day for the delivery of nomination papers,
  - (b) is attested by one witness whose name and address must be given, and
  - (c) is delivered at the place and within the time for delivery of nomination papers.
- (2) A candidate's consent given under this rule must—
  - (a) state the day, month and year of his birth, and
  - (b) contain a statement that to the best of the candidate's knowledge and belief he is not disqualified from being elected by reason of—
    - (i) any disqualification set out in section 21 (disqualification from being the Mayor or an Assembly member) of the 1999 Act, or

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(9) Section 28 of the Political Parties, Elections and Referendums Act 2000 (c.41) was amended by S.I. 2004/366 and by section 48 of the Electoral Administration Act 2006 (c.22).

(10) Section 28A of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

(11) Section 28B of the Political Parties, Elections and Referendums Act 2000 (c.41) was inserted by section 49(1) of the Electoral Administration Act 2006 (c.22).

- (ii) any decision made under section 79 (decisions of case tribunals) the Local Government Act 2000.

### **Deposits**

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

(2) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker's draft, or
- (c) with the CRO's consent, in any other manner including by means of a debit or credit card or the electronic transfer of funds,

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

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

### **Decisions as to validity of nomination papers**

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

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

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

- (a) that the particulars of the candidate on the nomination paper are not as required by law; or
- (b) that the paper breaks rule 6(5) or (7).

(3) Subject to paragraph (4), the CRO must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.

(4) If in the CRO's opinion a nomination paper breaks rule 6(5) or (7), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the end of the period for the delivery of nomination papers set out in the timetable in rule 3.

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

(6) The CRO must, as soon as practicable after making a decision under paragraph (3) or (4) that a nomination paper is valid or invalid, send notice of that decision to the candidate at his home address as given in his nomination paper.

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

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

### **Publication of statement of persons nominated**

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

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

(3) If a person's nomination paper gives a commonly used surname or forename, or both surname and forename, in addition to another name, the statement must show the person's commonly used surname or forename, or both surname and forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the CRO thinks—

(a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or

(b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the CRO must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

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

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

(8) At an ordinary election, in addition to publishing the statement under paragraph (1), the CRO must arrange for a copy of the statement to be delivered to the GLRO as soon as possible after all decisions which are required to be made under rule 9 have been made.

### **Correction of minor errors**

11.—(1) A CRO may, if he thinks fit, at any time before the publication under rule 10 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

(a) errors as to a person's electoral number,

(b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by a CRO in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.

(4) A CRO must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

### **Inspection of nomination papers and consent to nomination**

12.—(1) During ordinary office hours, in the period starting 24 hours after the latest time for the delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

(2) Inspection under paragraph (1) may not take place on a day that is specified in rule 4(1).

### **Nomination in more than one Assembly constituency**

13.—(1) At an ordinary election, the GLRO must, before the last time for delivery of notices of withdrawal, review the statements of persons nominated which are delivered under rule 10(8).



(2) If, having reviewed the statements in accordance with paragraph (1), it appears to the GLRO that a candidate has been validly nominated for more than one Assembly constituency, the GLRO must, before the last time for delivery of notices of withdrawal, inform the CRO for each Assembly constituency in which that candidate has been validly nominated of—

- (a) the candidate's name and particulars in the statement of persons nominated, and
- (b) the name of each Assembly constituency in which the candidate appears to have been validly nominated.

(3) If practicable, before the last time for delivery of notices of withdrawal, the GLRO may also inform each candidate who is the subject of the communication under paragraph (2)—

- (a) that he appears to have been validly nominated in more than one Assembly constituency, and
- (b) of the name of each Assembly constituency in which he appears to have been validly nominated.

(4) A candidate who is validly nominated for more than one Assembly constituency, must withdraw from his candidature, in accordance with rule 14, in all those Assembly constituencies except one.

(5) If a CRO is notified of a candidate's name in accordance with paragraph (2), and he receives a notice of withdrawal in respect of that candidate in accordance with rule 14, he must, before the last time for delivery of notices of withdrawal, inform—

- (a) the CRO of each Assembly constituency in which that candidate has been validly nominated, and
- (b) the GLRO.

(6) If a candidate does not comply with paragraph (4), each CRO who has been informed of the candidate's name under paragraph (2) must, after the last time for the delivery of notices of withdrawal, deem that candidate to have withdrawn from his candidature in each Assembly constituency.

(7) If a candidate is deemed to have withdrawn his candidature in accordance with paragraph (6), each CRO must, as soon as practicable, notify that candidate in writing that his candidature has been deemed to be withdrawn in respect of that Assembly constituency.

### **Withdrawal of candidates**

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

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

by the end of the period for the delivery of notices of withdrawals of candidature in the timetable in rule 3.

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

### **Method of election**

**15.**—(1) If, after any withdrawals in accordance with rule 14, the number of persons remaining validly nominated for the Assembly constituency exceeds one, a poll must be taken in accordance with Part 4 of these Rules.

(2) If, after any withdrawals in accordance with rule 14, only one person remains validly nominated for the Assembly constituency, that person must be declared to be elected in accordance with Part 5.

## **PART 4**

### **Contested Elections**

#### **Poll to be taken by ballot**

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

#### **The ballot papers**

**17.**—(1) The ballot of every voter must consist of a ballot paper which must be in the appropriate form.

(2) Each person remaining validly nominated for the election, after any withdrawals, and no other, is entitled to have their name inserted in the ballot paper.

(3) Every ballot paper—

- (a) must be printed in accordance with the directions set out in the Forms Schedule,
- (b) must contain the names and other particulars of the candidates as shown in the statement of persons nominated,
- (c) must have a number and other unique identifying mark printed on the back, and
- (d) may, in the case of ballot papers for use at polling stations, be marked with the words “do not fold”.

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

(5) The candidate’s request under paragraph (4) must—

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

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

(7) At an ordinary election, the GLRO must supply the ballot papers for use at the election to the CRO by such date as may be agreed between them.

(8) The ballot papers supplied under paragraph (7) must be of a different colour from the ballot papers used at any other relevant election or referendum.

### **The corresponding number list**

**18.**—(1) The CRO must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 23(1) or provided by him in pursuance of rule 28(1).

(2) The list must be in the appropriate form or a form to like effect.

(3) At an ordinary election, the same list may be used for each Authority election with which the election is combined.

### **The official mark**

**19.**—(1) Every ballot paper must contain an appropriate security marking (the official mark).

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

(3) The CRO, or at an ordinary election the GLRO, may use a different official mark for different purposes at the same election.

### **Prohibition of disclosure of vote**

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

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

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

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

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

### **Notice of poll**

**22.**—(1) The CRO must, in accordance with the timetable in rule 3, publish notice of the poll stating—

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

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

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

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

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

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- (a) state that the poll at the election is to be taken together with the poll at a relevant election or referendum as the case may be,
  - (b) specify the parliamentary constituency, European Parliamentary local counting area, relevant London borough, or voting area; and in the case of an election to fill a casual vacancy, the electoral area for which the relevant election or referendum is held, and
  - (c) where the polls are to be taken together in part of the Borough only, specify that part.
- (4) At an ordinary election, the notice of poll must include the heading “GREATER LONDON AUTHORITY ELECTION”.

### **Postal ballot papers**

**23.**—(1) The CRO must, in accordance with regulations made under the 1983 Act<sup>(12)</sup>, issue to those entitled to vote by post a ballot paper and a postal voting statement, together with such envelopes for their return as may be prescribed in such regulations.

(2) The postal voting statement must be in the appropriate form or a form to like effect.

(3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).

(4) The CRO must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper,
- (b) a translation into Braille of such directions or guidance,
- (c) graphical representations of such directions or guidance,
- (d) the directions or guidance in any other form (including any audible form).

(5) In the case of a ballot paper issued to a person at an address in the United Kingdom, the CRO must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

(6) Where the proceedings on the issue and receipt of postal ballot papers at the election are taken together with a relevant election or referendum the appropriate form of postal voting statement under paragraph (2) may be the joint postal voting statement which must be in the appropriate form or form to like effect.

### **Provision of polling stations**

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

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

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

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

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<sup>(12)</sup> See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [S.I. 2006/2910](#).

### **Appointment of presiding officers and clerks**

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

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

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

### **Issue of official poll cards**

**26.**—(1) The CRO must as soon as practicable after the publication of the notice of election, send to electors and their proxies an official poll card.

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

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

- (a) the name of the Assembly constituency for which a constituency member is to be elected,
- (b) the elector's name, qualifying address and number on the register,
- (c) the date and hours of the poll and the situation of the elector's polling station, and
- (d) such other information as the CRO thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different electors or descriptions of elector.

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the polling card must contain such matter as is specified in the appropriate form.

(5) At an ordinary election, the CRO must issue a combined poll card in the appropriate form.

(6) If the CRO and the returning officer for each relevant election or referendum agree, the poll card issued under this rule may be combined with the official poll card for the relevant election or referendum, with necessary adaptations.

(7) In this rule “elector” means—

- (a) an elector with an entry on the register to be used at the election on the last day for the publication of the notice of the election, and
- (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

### **Information for voters**

**27.**—(1) At an ordinary election, the GLRO may, in addition to a statement by him in an election booklet, include in the booklet information for voters that has been agreed by him with the Electoral Commission.

(2) The information for voters given in the election booklet may include information about—

- (a) the office of the Mayor and the London Assembly,
- (b) the system of voting at each Authority election,
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast, and

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subject to paragraph (3), may include any other information given in exercise of the GLRO's duty under section 69 (encouraging electoral participation) of the 2006 Act.

- (3) The information for voters must not contain—
- (a) any advertising material,
  - (b) any material referring to a candidate or a registered party, other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election,
  - (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.
- (4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

### **Equipment of polling stations**

- 28.**—(1) The CRO must provide each presiding officer with—
- (a) such ballot papers as may be necessary, and
  - (b) such ballot boxes as may be necessary having taken account of any direction made by the GLRO in accordance with paragraph (9).
- (2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.
- (3) The CRO must provide each polling station with—
- (a) materials to enable voters to mark the ballot papers,
  - (b) copies of the register of electors for the Assembly constituency or such part of it as contains the entries relating to the electors allotted to the station,
  - (c) the parts of any special lists prepared for the election corresponding to the register of electors for the Assembly constituency or the part of it provided under sub-paragraph (b),
  - (d) a list consisting of that part of the list prepared under rule 18 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.
- (4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act<sup>(13)</sup> in respect of alterations to the register.
- (5) The CRO must also provide each polling station with a device for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion within the meaning of rule 40.
- (6) The device referred to in paragraph (5) above must—
- (a) allow a ballot paper to be inserted into and removed from or attached to and detached from the device, easily and without damage to the paper,
  - (b) keep the ballot paper firmly in place during use,
  - (c) provide suitable means for the voter to—
    - (i) identify the spaces on the ballot paper on which he may mark his vote,
    - (ii) identify the candidate to whom each such space refers, and

<sup>(13)</sup> Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

(iii) mark his vote on the space he has chosen.

(7) The enlarged sample copies of the ballot paper that the CRO is required to provide, or cause to be displayed at every polling station (in accordance with section 199B(5) and (7) of the 1983 Act) must be printed on paper of the same colour as the ballot paper at the election.

(8) The CRO must also provide each polling station with notices for the guidance of voters, which must be exhibited—

- (a) outside the polling station,
- (b) inside the polling station—
  - (i) in the communal areas, and
  - (ii) in every voting compartment.

(9) If the GLRO thinks fit he may, not later than the date of the notice of election, direct the CRO that joint ballot boxes must be used for the ballot papers at the election and any or all relevant elections or referendums with which the election is taken.

(10) Where separate ballot boxes are to be used for the election and every relevant election or referendum, each ballot box shall be clearly marked with—

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

(11) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in this rule to the CRO should be read as references to the returning officer who does discharge those functions.

### **Notices for the guidance of voters**

**29.**—(1) The CRO must prepare the notices to be exhibited under rule 28(8).

(2) The CRO may prepare versions of the notices in such other form as he thinks appropriate, in accordance with section 199B (translations etc of certain documents) of the 1983 Act.

(3) Notices for the guidance of voters exhibited under rule 28(8) or paragraph (2) must be in the appropriate form, but may include such alternative information relating to Authority elections as—

- (a) meets with the requirements of the Notices Schedule, and
- (b) the CRO may decide.

(4) Notices provided under paragraph (2) may, if the CRO agrees, be exhibited at any polling station—

- (a) outside the polling station,
- (b) inside the polling station—
  - (i) in the communal areas,
  - (ii) in every voting compartment.

(5) At an ordinary election, the GLRO must prepare the notices and versions of notices to be exhibited under rule 28(8) and supply them to the CRO, and for paragraph (3)(b) of this rule there is substituted—

“(b) the GLRO may decide.”

(6) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then references to the CRO in this rule must be read as references to the returning officer who does discharge those functions.

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

- 30.**—(1) Before the commencement of the poll, each candidate may appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation, and
  - (b) counting agents to attend at the counting of votes.
- (2) The same person may be appointed as a polling agent or counting agent by more than one candidate.
- (3) For the count, one (but no more than one) counting agent of each candidate may be authorised by the terms of his appointment to require a re-count at that count.
- (4) Not more than four polling agents, or such greater number as the CRO may by notice allow, may be permitted to attend at any particular polling station.
- (5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO must determine by lot which agents are permitted to attend, and only the agents on whom the lot falls will be deemed to have been duly appointed.
- (6) The CRO may limit the number of counting agents, but in doing so must ensure that—
- (a) the number is the same in the case of each candidate, and
  - (b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.
- (7) For the purposes of the calculations required by paragraph (6), a counting agent who has been appointed by more than one candidate is a separate agent for each of the candidates by whom he has been appointed.
- (8) Notice in writing of the appointment of polling and counting agents, stating the names and addresses of the persons appointed, must be given by the candidate to the CRO and must be so given not later than the fifth day (computed in accordance with rule 4) before the day of the poll.
- (9) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and must forthwith give to the CRO notice in writing of the name and address of the agent appointed.
- (10) Any appointment authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.
- (11) In the following provisions of this Part references to polling agents and counting agents must be taken as references to agents—
- (a) whose appointments have been duly made and notified, and
  - (b) where the number of agents is restricted, who are within the permitted numbers.
- (12) Any notice required to be given to a counting agent by the CRO may be delivered at, or sent by post to, the address stated in the notice of appointment.
- (13) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
- (14) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the polling or counting agent may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.
- (15) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose will not, if the act or thing is otherwise duly done, invalidate the act or thing done.



(16) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then notices of the appointment of polling agents and counting agents which are required by this rule to be given to the CRO shall be given to the returning officer who discharges those functions.

### **Notification of requirement of secrecy**

**31.** The CRO must make such arrangements as he thinks fit to ensure that—

- (a) every person attending a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy of the provisions of subsections (1), (3) and (6) of section 66 (requirement of secrecy) of the 1983 Act<sup>(14)</sup>, and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy of the provisions of subsections (2) and (6) of that section.

### **Return of postal ballot papers**

**32.**—(1) Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the CRO must mark the list in the manner prescribed by regulations made under the 1983 Act<sup>(15)</sup>.

(2) Rule 49(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

### **Admission to polling station**

**33.**—(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the candidates and their election agents,
- (d) the polling agents appointed to attend at the polling station,
- (e) the clerks appointed to attend at the polling station,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
- (g) the constables on duty,
- (h) the companions of voters with disabilities, and
- (i) persons entitled to be admitted to the polling station at a relevant election or referendum.

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

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

(4) A constable or person employed by the CRO must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender

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<sup>(14)</sup> 1983 c. 2; Section 66 of that Act was amended by the Electoral Administration Act 2006 (c. 22).

<sup>(15)</sup> 1983 c. 2; Regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910 provides the circumstances in which a postal vote should be treated as returned for this purpose.

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

(5) Any certificate surrendered under this rule must forthwith be cancelled.

**Keeping of order in station**

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

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

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

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

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

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

**Sealing of ballot boxes**

35. Immediately before the commencement of the poll, the presiding officer must—

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

**Questions to be put to voters**

36.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—

- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put.

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	(a) —Are you the person registered in the register of local government electors for this election as follows ( <i>read the whole entry from the register</i> )? [R]

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
		(b) —Have you already voted, here or elsewhere at this election for a constituency member otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a) —Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] (b) —Have you already voted here or elsewhere at this election for a constituency member as proxy on behalf of C.D.? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]
3	A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)	(a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is ( <i>read out the number</i> )? [R] (b) —Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is ( <i>read out the number</i> )? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is ( <i>read out the number</i> )? [R]
4	A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you already voted here or elsewhere at this election for a constituency member, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
5	A person applying as an elector in relation to whom there is an entry in the postal voters list	(a) —Did you apply to vote by post? (b) —Why have you not voted by post?
6	A person applying as proxy who is named in the proxy postal voters list	(a) —Did you apply to vote by post as proxy? (b) —Why have you not voted by post as proxy?

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under those subsections.

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

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

### **Challenge of voter**

37. A person must not be prevented from voting because—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

### **Voting procedure**

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

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 28(3)(d) beside the number of the ballot paper to be issued to him,
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been applied for but without showing the particular ballot paper which may be delivered,
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number may be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper into the ballot box in the presiding officer’s presence, but so as to conceal his vote.

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

(6) A voter who has had a ballot paper delivered to him under paragraph (1), but has decided not to mark it, may return it to the presiding officer and where the voter does so, the presiding officer must—

- (a) immediately cancel the ballot paper, and for the purposes of these rules treat it as a spoilt ballot paper,
- (b) place a mark beside the number of that ballot paper on the corresponding number list to show that the ballot paper has been cancelled.

(7) The same copy of—

- (a) the list of proxies,
- (b) the register of electors,
- (c) any notice issued under section 13B(3B) or (3D) of the 1983 Act (marked in the case of an elector who is added to the register in pursuance of such a notice),

may be used for the election and each relevant election and referendum and one mark may be placed in the list, register or notice (as the case may be) to denote that a ballot paper has been delivered in respect of each election and referendum; except that, where a ballot paper has not been issued in respect of any election or referendum, a different mark must be placed in the list, register or notice so as to identify the election or referendum in respect of which a ballot paper was issued.

(8) At an ordinary election, the same copy of the list mentioned in rule 28(3)(d), may be used for each Authority election and one mark may be placed in the list, to denote that a ballot paper has been delivered in respect of each Authority election; except that, where a ballot paper has not been issued in respect of any Authority election, a different mark must be placed in the list, so as to identify the elections in respect of which a ballot paper was issued.

### **Votes marked by presiding officer**

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

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

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

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

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

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act<sup>(16)</sup>, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

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

### **Voting by persons with disabilities**

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

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

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as "the companion"), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and

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<sup>(16)</sup> Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

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

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

(3) For the purpose of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person may be qualified to assist a voter with disabilities to vote if that person—

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

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

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

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

- (6) The declaration made by the companion—
  - (a) must be in the appropriate form, and
  - (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion, and
  - (c) must forthwith be given to the presiding officer who must attest and retain it.

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

(8) The same list of voters with disabilities assisted by companions may be used for each relevant election or referendum, and where it is so used, an entry in that list must be taken to mean that the votes were so given in respect of each election and referendum, unless the list identifies the election or referendum for which the vote was so given.

### **Tendered ballot papers: circumstances where available**

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

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

- (2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named in the register,
  - (b) he is also named in the postal voters list, and
  - (c) he claims that he did not make an application to vote by post at the election.
- (3) Paragraph (4) also applies if—
- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
  - (b) he is also named in the proxy postal voters list, and
  - (c) he claims that he did not make an application to vote by post as proxy.
- (4) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.
- (5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—
- (a) a particular elector named in the register who is also named in the postal voters list, or
  - (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,
- and claims that he has lost or has not received his postal ballot paper.
- (6) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

### **Tendered ballot papers: general provisions**

- 42.**—(1) A tendered ballot paper must—
- (a) be of a colour differing from the other ballot papers,
  - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register of electors, and set aside in a separate packet.
- (2) The name of the voter and his number on the register of electors must be entered on a list (in these Rules referred to as the “tendered votes list”).
- (3) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name must be the number of that elector.
- (4) In the case of an elector who has an anonymous entry, this rule and rule 41 apply subject to the following modifications—
- (a) in paragraphs (1)(b) and (2) above, the references to the name of the voter must be ignored,
  - (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears in the register or list (as the case may be).
- (5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 41 apply as if—
- (a) in rule 41(1)(a), (2)(a) and (5)(a), for “named in the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”,
  - (b) in paragraph (1)(b) of this rule for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”,

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(c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

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

### **Spoilt and replacement ballot papers**

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

(2) If a voter decides, after he has returned his ballot paper and it has been cancelled in accordance with rule 38(6), but before the close of the poll, that he wishes to vote in the election, he may obtain a replacement for the returned ballot paper.

(3) Before a replacement ballot paper is obtained, the presiding officer must mark the corresponding number list that was marked under rule 38(1) (the corresponding number list)—

(a) in the case of a ballot paper being replaced under paragraph (1) or (2), beside the number of the replacement ballot paper obtained to show—

(i) the number of the elector, and

(ii) the number of the ballot paper which is being replaced; and

(b) in the case of a ballot paper being replaced under paragraph (1), beside the number of the spoilt ballot paper to show that the ballot paper was replaced.

(4) Where the election is taken with a relevant election or referendum the voter must only receive a replacement for a spoilt or returned ballot paper.

(5) If the same corresponding number list is used for more than one Authority election in accordance with rule 38(8)—

(a) the marks made under paragraph (3) must identify the election for which a ballot paper has been replaced, and

(b) any ballot paper which the voter has not applied for or obtained as a replacement, but which bears the same ballot paper number as a ballot paper delivered under rule 38(1), or obtained under paragraph (1) or (2) of this rule—

(i) must not be delivered to the voter,

(ii) must be cancelled, and

(iii) for the purposes of these rules, must be treated as a spoilt ballot paper.

### **Correction of errors on day of poll**

**44.**—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

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



### **Adjournment of poll in case of riot**

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

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

(a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and

(b) references in these Rules to the close of the poll must be construed accordingly.

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

(4) If the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, then references in this rule to the CRO must be taken as references to the returning officer who discharges those functions.

### **Procedure on close of poll**

**46.**—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents appointed for the purposes of the election and each relevant election or referendum, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

(a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with any key attached,

(b) the unused and spoilt ballot papers placed together,

(c) the tendered ballot papers,

(d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,

(e) the list prepared under rule 18, including the part completed in accordance with rule 38(1)(b) (together referred to in these Rules as “the completed corresponding number list”),

(f) the certificates as to employment on duty on the day of the poll,

(g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 44, and the declarations made by the companions of voters with disabilities,

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

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any other relevant election or referendum except for an Authority election.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number list or the certificates as to employment on duty on the day of the poll.

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

(a) ballot papers issued and not otherwise accounted for,

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- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

(5) At an ordinary election, the statement referred to in paragraph (4) may be combined with the statements produced in relation to any other Authority election, but not with those for a relevant election or referendum, and the combined statement must be arranged in such manner as the GLRO may direct.

(6) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, references in paragraph (1) to the CRO must be taken as references to the returning officer who discharges those functions.

### **Attendance at verification and the counting of votes**

**47.**—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) make arrangements for —
  - (i) carrying out the functions in rule 49(1) (separating ballot papers and verifying ballot paper accounts) at the election in the presence of the counting agents appointed for the purposes of the election and each relevant election and referendum as soon as practicable after the close of the poll, and
  - (ii) for counting the votes in the presence of the counting agents appointed for the purposes of the election,
- (b) give to the counting agents appointed for the purposes of the election and each relevant election and referendum, notice in writing of the time and place at which he will begin carrying out the functions in rule 49(1).

(2) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations he must make arrangements for counting the votes in the presence of the counting agents appointed for the purposes of the election as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and the CRO must give to the counting agents for the election notice in writing of the time and place at which he will begin to count the votes.

(3) No person other than a person entitled to be present at the counting of the votes at the election and at each relevant election or referendum may be present at the proceedings under rule 49(1) (separating ballot papers and verifying ballot paper accounts) unless permitted by the CRO to attend.

(4) No person other than—

- (a) the CRO and his clerks and technical assistants,
- (b) the GLRO,
- (c) the candidates and one other person chosen by each of them,
- (d) the election agents,
- (e) the counting agents,

(f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act, may be present at the counting of the votes in accordance with rule 49(2) to (15), unless permitted by the CRO to attend

(5) A person not entitled to attend at the separation and verification or the counting of the votes must not be permitted to do so by the CRO unless the CRO—

- (a) is satisfied that the efficient separation and verification of the ballot paper accounts or, as the case may be, the efficient counting of the votes will not be impeded, and
  - (b) has either consulted the candidates or thought it impracticable to do so.
- (6) The CRO must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

### **Use of the electronic counting system**

**48.**—(1) The GLRO may provide the CRO with an electronic counting system consisting of computer hardware, software and other equipment or services, for the purpose of counting the number of ballot papers, to verify the ballot paper accounts and to count the votes cast on them.

(2) Any verification of ballot paper accounts, count or re-count at the election conducted using the electronic counting system must be conducted in accordance with rule 49.

(3) If the GLRO has provided the CRO with an electronic counting system for use at the election, the CRO must obtain the prior written consent of the GLRO before he may conduct the verification of ballot paper accounts or count the votes manually.

(4) If the verification of ballot paper accounts, count or re-count has commenced using the electronic counting system but has not been completed, the CRO may, if he considers it appropriate, discontinue the count and instead count the votes manually.

(5) Where the count or a re-count has been conducted using the electronic counting system, the CRO may, if he considers it appropriate, conduct any re-count without using that system.

(6) Where verification or any count or re-count is conducted using the electronic counting system, any of the steps referred to rule 49, in so far as practicable, may be undertaken—

- (a) concurrently with any other of those steps, or
- (b) in a different order.

### **Verification and the count**

**49.**—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) in the presence of the counting agents appointed for the purposes of the election and each relevant election or referendum, open each ballot box from each polling station together, and record separately the number of ballot papers used in the election and each relevant election or referendum with which it is taken,
- (b) in the presence of the counting agents appointed for the purposes of the election and each relevant election or referendum, verify each ballot paper account at the election and for each relevant election or referendum,
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the election and each relevant election or referendum,
- (d) where the same ballot boxes have been used for the election and each relevant election or referendum, separate the ballot papers for all of the Authority elections from those for any other relevant election or referendum.
- (e) make up into packets the ballot papers for each relevant election or referendum (not including those for any Authority election) and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate,
- (f) deliver or cause to be delivered to the returning officer for the relevant election or referendum to which the ballot papers relate—

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- (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 relevant election or referendum, and
- (g) at the same time deliver to that officer the packets that so relate containing—
  - (i) the unused and spoiled ballot papers,
  - (ii) the tendered ballot papers, and
  - (iii) the completed corresponding number lists of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(2) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, and the votes on the ballot papers are not to be counted concurrently with the votes on the ballot papers at a relevant election or referendum, he must—

- (a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given by him in writing to the counting agents under rule 47(2), open each container in the presence of the counting agents;
- (b) where the proceedings on the issue and receipt of postal ballot papers at the election are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People (England and Wales) Regulations 2001<sup>(17)</sup>, or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000<sup>(18)</sup>, count such of the postal ballot papers as have been duly returned and record the number counted,

and paragraph (10) below does not apply to these proceedings.

(3) Where separate ballot boxes are used for the ballots at the election and each relevant election and referendum, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.

(4) Where the same ballot boxes are used for the election and other Authority elections, but not for other relevant elections or referendums—

- (a) the CRO must not mix the ballot papers for Authority elections from any ballot box or container with the contents of any other ballot box or container (including a postal ballot box) during the conduct of verification (where this occurs under paragraph (1)), the count or any re-count;
- (b) the ballot boxes from each polling station for the Authority elections shall be opened together and the ballot papers counted (but not necessarily the votes on them) and verified together.

(5) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (6) and reaches the CRO or any polling station in the appropriate area (as defined in paragraph (7)) before the close of the poll,
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches him or such polling station before that time,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and

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<sup>(17)</sup> S.I. 2001/341.

<sup>(18)</sup> c. 22. Sections 44 and 45 were amended by the Political Parties, Elections and Referendums Act 2000 (c. 41) and section 105 was amended by section 105 of the Local Government Act 2003 (c. 26).

- (d) in a case where the steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act(19), the CRO (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).
- (6) The manner in which any postal paper or postal voting statement may be returned—
  - (a) to the CRO, is by hand or by post,
  - (b) to a polling station in the appropriate area, is by hand.
- (7) For the purposes of paragraphs (5) and (6), “polling station in the appropriate area” means a polling station—
  - (a) in the area which is common to the Assembly constituency, and parliamentary constituency, local counting area, electoral area or voting area, as the case may be, in which the polls at the Authority election and a relevant election or referendum are being taken together, and
  - (b) in respect of which polls the voter has been issued with a postal ballot paper.
- (8) After the completing the proceedings in paragraph (1) or (2), the CRO must cause the electronic counting system to process the ballot papers for the election so as to count—
  - (a) the number of ballot papers, and
  - (b) votes given on the ballot papers.
- (9) The CRO must not cause the electronic counting system to count any tendered ballot paper.
- (10) Subject to paragraph (11), the CRO must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any election agent may copy.
- (11) The CRO may verify each ballot paper account for the election by comparing it with the number of ballot papers processed by the electronic counting system, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list).
- (12) The CRO, while verifying the ballot paper accounts and counting the votes, must take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.
- (13) The CRO must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the hours between 5 in the afternoon and 10 on the following morning may be excluded.
- (14) At an ordinary election, the hours between 5 in the afternoon and 10 on the following morning may only be excluded with the prior consent of the GLRO.
- (15) During the time so excluded the CRO must—
  - (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and
  - (b) otherwise take proper precautions for the security of the papers and documents.

### **Rejected ballot papers**

**50.**—(1) Any ballot paper—

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(19) See regulation 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341), which were inserted by S.I. 2006/2910.

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- (a) which does not bear the official mark,
- (b) on which votes are given for more than one candidate,
- (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back,
- (d) which is unmarked, or
- (e) which is void for uncertainty,

is, subject to paragraph (2), void and must not be counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

must not for such reason be void if an intention that the vote be given for one only of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) Where the electronic counting system identifies a ballot paper that has been marked, but which appears for whatever reason to be void, it must be examined by a clerk appointed by the CRO in the manner referred to in paragraph (6).

(4) If the clerk, having examined the ballot, considers that the vote is void then the CRO must examine it in the manner referred to in paragraph (6).

(5) After the CRO examines the ballot paper, he must give his decision as to the validity of the vote.

(6) An examination under paragraph (3) or (4) is to be made by the clerk or CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count.

(7) The CRO may examine any ballot paper that he is not required to examine in accordance with paragraph (4)—

- (a) either in the manner referred to in paragraph (6), or
- (b) by examining a paper copy,

and where the CRO does so, he must give a decision on that paper in accordance with paragraph (5).

(8) No person attending the count is to be entitled to require the clerk or CRO to examine a ballot paper or to provide a paper copy for inspection.

(9) A record of the CRO's decision must be retained in the electronic counting system together with, in the case of a decision that the ballot paper is void, his reasons by reference to paragraph (1).

(10) If a counting agent objects to the CRO's decision the CRO must record on the electronic counting system that the decision was objected to.

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

- (a) want of an official mark,
- (b) voting for more than one candidate,
- (c) writing or mark by which the voter could be identified,
- (d) unmarked ballot paper, or
- (e) void for uncertainty.

(12) As soon as practicable after the completion of the statement under paragraph (11) the CRO must inform—

- (a) such candidates, election agents and counting agents as are present at the count, and
  - (b) the GLRO,
- of its contents.

### **Decisions on ballot papers**

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

### **Re-count**

**52.—(1)** A candidate or his election agent or a counting agent authorised under rule 30(3) may, if present when the counting or any re-count of the votes, is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

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

(3) The CRO may, in his discretion, decide the extent to which any re-count involves the electronic counting of votes.

(4) When the returning officer uses the electronic counting system for the re-counting of votes, he must not re-consider any decision made on any ballot paper under rule 50(5).

### **Equality of votes**

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

## **PART 5**

### **Final Proceedings In Contested And Uncontested Elections**

#### **Declaration of result**

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

- (a) declare to be elected the candidate to whom the majority of votes has been given,
- (b) give public notice of—
  - (i) the name of the person declared to be elected,
  - (ii) the person's authorised description, if any, within the meaning of rule 6(5) or (7),
  - (iii) the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) Subject to paragraph (3), after the CRO complies with paragraph (1), he may give public notice of the information referred to paragraph (1)(b)(iii) so as to set out the number of votes falling under each of the heads in that subparagraph, in respect of each ward.

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(3) Where the sum of first preference votes given for all candidates in any ward does not exceed 500, the GLRO must not give notice under paragraph (2) in respect of that ward alone, but must amalgamate the figures for that ward with those for any other ward in which more than 500 votes have been given, in the same Assembly constituency.

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

(a) declare to be elected the candidate remaining validly nominated,

(b) give public notice of—

(i) the name of the person declared to be elected, and

(ii) the person's authorised description, if any, within the meaning of rule 6(5) or (7).

(5) The CRO must as soon as practicable notify the GLRO and the proper officer of the Authority of the information in the notice given under (1)(b).

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

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

(2) Subject to paragraphs (3) and (4), the deposit must be returned not later than the next day after that on which the result of the election is declared.

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

(a) a day must be disregarded if, in accordance with rule 4, it would be disregarded in computing any period of time for the purposes of the timetable for the election, and

(b) the deposit must be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

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

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

## **PART 6**

### **Disposal of Documents**

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

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

(2) Where some or all of the votes have been counted using the electronic counting system, the CRO must also seal up in a separate packet a complete electronic record ("the electronic record") of the information stored in the electronic counting system, held in such device as may be suitable for the purpose of its storage.

(3) After making the electronic record under paragraph (2), the CRO must arrange for the original records in the electronic counting system to be removed from it and destroyed in a manner that ensures that the secrecy of those records is preserved.

(4) The CRO must not open the sealed packets of—



- (a) tendered ballot papers, or
  - (b) certificates as to employment on duty on the day of the poll.
- (5) Where the CRO discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, he must also not open the sealed packets of—
- (a) the completed corresponding number lists,
  - (b) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

### **Delivery and retention of documents**

**57.**—(1) The CRO must then forward the following documents to the relevant registration officer—

- (a) the packets of ballot papers in his possession,
- (b) the packet containing the electronic record (if any),
- (c) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (d) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 44 and the declarations made by the companions of voters with disabilities,
- (e) the packets of the completed corresponding number lists,
- (f) the packets of certificates as to employment on duty on the day of the poll, and
- (g) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list,

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

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

### **Orders for production of documents**

**58.**—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer, or
- (b) for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers, in the custody of the relevant registration officer,

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

(2) An election court may make an order for the opening of a packet containing the electronic record or a sealed packet of completed corresponding number lists or certificates or for the inspection of any counted ballot papers in the custody of the relevant registration officer.

(3) An order under this rule may be made subject to such conditions as to—

- (a) persons,

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- (b) time,
- (c) place and mode of inspection,
- (d) production or opening,

as the court making the order thinks expedient; but in making and carrying into effect an order for the opening of a packet containing the electronic record or a packet of completed corresponding number lists or certificates or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given must not be disclosed until it has been proved—

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

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

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

(6) Where an order is made for the production by the relevant registration officer of any document or electronic record in his custody relating to any specified election—

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

(7) The production from proper custody of —

- (a) a ballot paper purporting to have been used at any election, or
- (b) a copy of the electronic record which purports to record that a particular ballot paper was used at any election, and

a completed corresponding number list with a number written beside the number of the ballot paper, will be *prima facie* evidence that the elector whose vote was given by that ballot paper was the person who, at the time of the election, had affixed to his entry in the register of electors or on the notice issued under section 13B(3B) or (3D) of the 1983 Act, the same number as was written on the completed corresponding number list.

(8) Unless authorised by this rule, no person may be allowed to inspect any rejected or counted ballot papers in the custody of the relevant registration officer or open any sealed packets of completed corresponding number lists, certificates of employment on the day of the poll or containing the electronic record.

### **Retention and destruction of documents and records**

**59.** The relevant registration officer must retain or cause to be retained for one year all documents and, where applicable, the electronic record relating to an election forwarded to him in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrate's court or an election court, must cause them to be destroyed.

## PART 7

### Death Of Candidate

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

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

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

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

(3) Where the poll is abandoned by reason of a candidate's death, no further ballot papers may be issued, and the presiding officer at any polling station must take the like steps (so far as not already taken) for the delivery to the CRO of ballot boxes and of ballot papers and other documents in his possession as he is required to take on the close of the poll in due course.

(4) The CRO must dispose of the ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, subject to paragraphs (5) and (6).

(5) It is not necessary for any ballot paper account to be prepared or verified.

(6) The CRO must seal up all the ballot papers, whether the votes on them have been counted or not, and it will not be necessary to seal up counted and rejected ballot papers in separate packets.

(7) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, subject to paragraphs (8) and (9).

(8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(9) No order may be made for—

- (a) the production or inspection of any ballot papers, or
- (b) for the opening of a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution or election petition.

(10) The countermand of the notice of poll or abandonment of the poll at the election, will not effect the poll at each relevant election or referendum.