

## SCHEDULE 2

### Amendments to the 1985 Order

#### Part 3

##### Amendments to Part 3 of Schedule 2 (Absent voting – issue and receipt of ballot papers)

- 15.** Part 3 of Schedule 2 to the 1985 Order is amended as follows.
- 16.** Omit the definition of “election rules” in paragraph 1 (interpretation).
- 17.** In paragraph 2 (form of ballot paper) for “elections rules” substitute “Local Elections Rules”.
- 18.**—(1) Paragraph 3 (persons entitled to be present at issue and receipt of postal ballot papers) is amended as follows.
- (2) In sub-paragraph (1) after paragraph (d) insert—
- “(e) persons who are entitled to be present at the proceedings on the issue or receipt of postal ballot papers by virtue of sections 6A, 6B, 6C or 6D of the Political Parties, Elections and Referendums Act 2000,(1)
- (3) For sub-paragraph (2) substitute—
- “(2) Each candidate may appoint one or more agents to attend the proceedings on the issue or receipt of the postal ballot papers up to the number he may be authorised by the returning officer to appoint so however that the number authorised must be the same in the case of each candidate.”.
- (4) In sub-paragraph (3) after “notice” insert “in writing”.
- 19.**—(1) Paragraph 6 (marking of postal ballot paper) is amended as follows.
- (2) For the heading substitute “Procedure on issue of postal ballot paper”.
- (3) In sub-paragraph (1) for the words preceding “and a mark” substitute “The number of the elector as stated in the register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to the elector”.
- (4) After sub-paragraph (3) insert—
- “(4) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in paragraph 8 are to be sent is—
- (a) in the case of an elector, the address shown in the absent voters list; and
- (b) in the case of a proxy, the address shown in the special list kept under paragraph 4(8) of Part 1 of this Schedule.”.
- 20.**—(1) Paragraph 8 (ballot paper envelope) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) For “elections rules” substitute “Local Elections Rules”;
- (b) for “marked” substitute “referred to as a”; and
- (c) omit “bearing the number of the ballot paper”.

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(1) 2000 c. 41; section 6(3)(a) and (b) were amended by [S.I. 2007/1388](#); sections 6A-F were inserted by section 29 of the Electoral Administration Act 2006 ([c.22](#)); section 6A(5)(d) was amended by [S.I. 2007/1388](#).

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(3) After sub-paragraph (1) insert—

“(1A) The covering envelope shall be marked with the letter “B”.

(1B) The ballot paper envelope shall be marked with—

(a) the letter “A”;

(b) the words “ballot paper envelope”; and

(c) the number of the ballot paper, unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed.”.

(4) After sub-paragraph (2) insert—

“(2A) In paragraphs 17A and 17B, a reference to the number on a ballot paper envelope includes, in the case of an envelope of the kind referred to in paragraph (1B)(c), a reference to the number that is displayed through the window in that envelope.”.

**21.** For paragraph 9 substitute—

*“Delivery of postal ballot papers*

**9.**—(1) For the purpose of delivering postal ballot papers the returning officer may use—

(a) a universal postal service provider;

(b) a commercial delivery firm; or

(c) clerks appointed under rule 23(1) of the Local Elections Rules.

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

(3) Postage must be prepaid on the covering envelopes and, where the method of delivery specified in sub-paragraph (1)(a) or (b) is used, on envelopes addressed to the postal voters.”.

**22.** Paragraph 10 (provision of postal voters ballot box) is omitted.

**23.** For paragraph 11 substitute—

*“Sealing up of completed corresponding number lists and security of special lists*

**11.**—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the completed corresponding number lists of those ballot papers which have been issued and shall seal such a packet.

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

(3) Until the time referred to in paragraph (2) the returning officer shall take precautions for the security of the lists referred to in that paragraph.”.

**24.**—(1) Paragraph 12 (spoilt postal ballot paper) is amended as follows.

(2) In sub-paragraph (1)—

(a) after “the spoilt postal ballot paper” on the second occasion on which it appears insert “and”; and

(b) omit the words “the ballot paper envelope and the covering envelope”.

(3) In sub-paragraph (2) for “unless the documents are received too late for another postal ballot paper to be returned before the close of the poll” substitute “except where those documents are received after 5 p.m. on the day before the day of the poll”.

(4) In sub-paragraph (3)—

- (a) after “the spoiled postal ballot paper” insert “and”; and
- (b) omit the words “and the ballot paper envelope”.

(5) After sub-paragraph (4) insert—

“(5) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with paragraph 9.

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

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

**25.** In paragraph 14(4) (postal ballot boxes and receptacles)(2) after “the ballot box” insert “, if it has a lock,”.

**26.** In paragraph 16(3) (opening of postal voters’ ballot box) for “elections rules” substitute “Local Elections Rules”.

**27.** In paragraph 17 (opening of covering envelopes) after sub-paragraph (4) insert—

“(5) Where an envelope opened in accordance with sub-paragraph (1) contains a declaration of identity, the returning officer must, having first unsealed the relevant packet, place a mark in the marked copy of the absent voters list or the proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(6) A mark made under sub-paragraph (5) must be distinguishable from and must not obscure the mark made under paragraph 6(1).

(7) As soon as practicable after the last covering envelope has been opened, the returning officer must make up into a packet the copy of the absent voters list and the copy of the proxy postal voters list that have been marked in accordance with sub-paragraph (5) and must seal that packet.”.

**28.—**(1) Paragraph 17A (procedure in relation to declarations of identity) is amended as follows.

(2) In sub-paragraph (1)(b) for “elections rules” substitute “Local Elections Rules”.

(3) In sub-paragraph (6)(b) after “on it” insert “and the number is not displayed through a window in it”.

**29.** In paragraph 17C (sealing of receptacles) for “possible” substitute “practicable”.

**30.—**(1) Paragraph 19 (disposal of documents)(3) is amended as follows.

(2) In sub-paragraph (1) for “any packets referred to in paragraphs 11, 12 and 17C” substitute—  
“, at the same time as he forwards the documents mentioned in rule 58 of the Local Elections Rules—

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(2) Paragraphs 13 to 17C were substituted by [S.I. 2002/2835](#).

(3) Paragraph 19 was amended by [S.I. 2002/2835](#).

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- (a) any packets referred to in paragraphs 11, 12 and 17C, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the local government electoral area for which the election was held; and
  - (b) a completed statement in Form 2 in the Appendix to Part 1, or in a form which has substantially the same effect.”
- (3) In sub-paragraph (3) for “elections rules” substitute “Local Elections Rules”.