

SCHEDULE 5

The Local Government Finance Act Referendums (Combination of Polls) Rules

PART 4

Action to be taken before the poll

Notice of Poll

- 12.**—(1) The counting officer must publish notice of the poll stating—
- (a) the day and hours fixed for the poll; and
 - (b) the question to be asked in the referendum.
- (2) The notice of the poll must be published no later than the sixth day before the date of the referendum.
- (3) The relevant returning or counting officer 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 persons entitled to vote there.
- (4) The notice published under paragraph (3) must—
- (a) state that the poll at the referendum is to be taken together with the poll at a relevant election or referendum;
 - (b) specify the parliamentary constituency⁽¹⁾, local counting area, Assembly constituency, voting area or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election or referendum is held; and
 - (c) where any of the polls are to be taken together in part of the electoral area or voting area only, specify that part.

Postal ballot papers

- 13.**—(1) The relevant returning or counting officer must, in accordance with regulations made under the 1983 Act⁽²⁾, issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to like effect, together with such envelopes for their return as may be prescribed by such regulations.
- (2) The relevant returning or counting officer must also issue to those entitled to vote by post such information as he or she thinks appropriate about how to obtain—
- (a) translations into languages other than English of any directions to or guidance for voters and proxies 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).

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

⁽²⁾ See the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by SI 2002/1871, 2006/752 and SI 2006/2910.

Status: This is the original version (as it was originally made).

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

(4) In the case of a ballot paper issued to a person at an address in the United Kingdom, the relevant returning or counting officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter or proxy.

(5) In paragraphs (1), (2) and (4) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of postal ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections or referendums.

Provision of polling stations

14.—(1) The relevant returning or counting officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the voters to the polling stations in such manner as he or she thinks most convenient.

(2) The polling stations are the polling places or polling stations (as the case may be) designated for the purposes of the election or referendum for which the relevant returning or counting officer discharges functions which are not combined functions.

(3) In paragraph (2) “combined functions” means functions under regulation 5 of the Combination of Polls Regulations.

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

(5) The polling station allotted to voters from any parliamentary polling district wholly or partly within the voting area must, in the absence of special circumstances, be in the parliamentary polling place for that district.

(6) The relevant returning or counting officer must provide each polling station with such number of compartments as may be necessary in which the voters and proxies can mark their votes screened from observation.

Appointment of presiding officers and clerks

15.—(1) The relevant returning or counting officer must appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the referendum.

(2) The relevant returning or counting officer may, if he or she thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer shall apply to a relevant returning or counting officer so presiding with the necessary modifications as to things to be done by the relevant returning or counting officer to the presiding officer or by the presiding officer to the relevant returning or counting officer.

(3) A presiding officer may do, by the clerks appointed to assist him or her, any act (including the asking of questions) which he or she is required or authorised by these Rules 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

16.—(1) The counting officer must as soon as practicable after the publication of the notice of referendum send to each voter and proxy an official poll card.

(2) The official poll card must be sent or delivered—

(a) in the case of a voter, to his or her qualifying address; and

(b) in the case of a proxy, to his or her address as shown in the list of proxies.

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

- (a) the name of the council and of the voting area;
- (b) the name of the voter and his or her qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the voter's polling station;
- (d) such other information as the counting officer thinks appropriate,

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

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

(5) In this rule references to a voter—

- (a) mean a person who is registered in the register of local government electors for the voting area in question on the last day for the publication of notice of the referendum; and
- (b) include a person then shown in the register as below voting age if (but only if) it appears from the register that he or she will be of voting age on the day fixed for the poll.

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

Equipment of polling stations

17.—(1) The relevant returning or counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as in the former officer's opinion may be necessary.

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

(3) 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.

(4) The relevant returning or counting officer must provide each polling station with—

- (a) materials to enable voters and proxies to mark the ballot papers;
- (b) copies of the register of electors for the voting area or such part of it as contains the names of the voters allotted to the station;
- (c) the parts of any special lists prepared for the referendum corresponding to the register of electors for the voting area or the part of it provided under sub-paragraph (b);
- (d) a list, in the form M2 in the Appendix or a form to like effect, consisting of that part of the list prepared under rule 8 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.

(5) The reference in paragraph (4)(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⁽³⁾ in respect of alterations to the register.

(6) The relevant returning or counting officer must also provide each polling station with—

(3) 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).

Status: This is the original version (as it was originally made).

- (a) at least one large version of each ballot paper which must be printed on the same colour paper as the corresponding ballot paper and displayed inside the polling station for the assistance of voters and proxies who are partially sighted; and
 - (b) a device of such description as is set out in paragraph (11) for enabling voters and proxies 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 30(1)).
- (7) Where notwithstanding paragraph (2) separate ballot boxes are to be used, each ballot box must 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 papers in here”.
- (8) A notice in the form in the Appendix, giving directions for the guidance of voters and proxies in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.
- (9) The relevant returning or counting officer may also provide copies of the notice mentioned in paragraph (8) in Braille or translated into languages other than English as he or she considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.
- (10) In every compartment of every polling station there must be exhibited the following notice—
- *PARLIAMENTARY ELECTION
([*Specify colour*] ballot paper)
vote for ONE candidate only
 - *EUROPEAN PARLIAMENTARY ELECTION
([*specify colour*] ballot paper)
vote for ONE party or individual candidate only
 - *[specify name of council ...] COUNCIL ELECTION
([*specify colour*] ballot paper)
*vote for no more than Candidates
*vote for ONE candidate only
 - *ELECTION OF THE MAYOR OF LONDON
([*specify colour*] ballot paper)
#[On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice]
 - *ELECTION OF THE LONDON ASSEMBLY
[On the constituency members ballot paper [*specify colour*] vote for ONE candidate only]
#[On the London members ballot paper [*specify colour*] vote for ONE party or individual candidate only]
 - * REFERENDUM on [*Specify name of authority in respect of which referendum is held*]'s council tax increase for the financial year [*specify financial year*]
([*specify colour*] ballot paper)
- Mark a cross (X) in the box on the right hand side of the answer of your choice.

Vote ONCE only.

*[specify other] ELECTION/REFERENDUM

([specify colour] ballot paper)

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

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

*Complete or omit as necessary.

#This wording should be used where the Greater London Returning Officer (within the meaning of the Greater London Authority Act 1999)(4) has not supplied wording pursuant to the Greater London Authority Elections (No 2) Rules 2000(5).

- (11) The device referred to in paragraph (6)(b) must—
- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
 - (b) hold the ballot paper firmly in place during use; and
 - (c) provide suitable means for the voter or proxy to—
 - (i) identify the spaces on the ballot paper on which that person may mark his or her vote;
 - (ii) identify the registered party or individual candidate or answer to which each such space refers; and
 - (iii) mark his or her vote on the space he or she has chosen.

Appointment of counting observers

18.—(1) The counting officer must appoint persons to observe the counting of the votes and the verification of the ballot paper account (“counting observers”).

(2) Where the counting officer is not the relevant returning or counting officer, he or she must give notice in writing of the appointments of counting observers to that officer as soon as is practicable following the appointment.

(3) In the following provisions of these Rules references to counting observers shall be taken as references to counting observers whose appointments have been duly made.

(4) Where by these Rules any act or thing is required or authorised to be done in the presence of the counting observers, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Appointment of polling observers

19.—(1) The counting officer may appoint persons to attend at polling stations for the purpose of detecting personation (“polling observers”).

(2) Where the counting officer is not the relevant returning or counting officer, he or she must give notice in writing of the appointment to the relevant returning or counting officer.

(3) That notice must state the names and addresses of the persons appointed and must be given not later than the fifth day (disregarding any day specified in rule 4) before the day of the poll.

(4) 1999, c. 29.

(5) S.I. 2000/427.

Status: This is the original version (as it was originally made).

(4) Not more than four polling observers or polling agents, or such greater number as the relevant returning or counting officer may by notice allow, shall be permitted to attend at any particular polling station and if the number of such polling observers or agents exceeds that number, the relevant returning or counting officer must determine which polling observers or agents are permitted to attend by lot and only the polling observers and agents on whom the lot falls shall be deemed to have been duly appointed.

(5) In the following provisions of these Rules references to polling observers shall be taken as references to polling observers whose appointments have been duly made.

(6) Where by these Rules any act or thing is required or authorised to be done in the presence of the polling observers, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy in respect of polling stations

20. The relevant returning or counting officer must make such arrangements as he or she thinks fit to ensure that every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter or proxy with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act, as applied by Schedule 4(6).

Notification of requirement of secrecy in respect of the count

21. The counting officer must make such arrangements as he or she thinks fit to ensure that every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of section 66 of the 1983 Act, as applied by Schedule 4.

Return of postal ballot papers

22.—(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 relevant returning or counting officer must mark the list in the manner prescribed by regulations made under the 1983 Act.(7)

(2) In paragraph (1) for “relevant returning or counting officer” substitute “counting officer” where proceedings on the issue and receipt of postal ballot papers at the referendum are not taken together with such proceedings at one or more relevant elections or referendums.

(3) Rule 38(7) 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.

(6) Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); subsection (6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

(7) See regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910.