

# SCHEDULES

## SCHEDULE 1

Rules for conduct of an election of councillors for a community where poll is not taken together with poll at another election

## PART 2

### The Poll at Contested Elections

#### General Provisions

#### Poll to be taken by ballot

- 21.**—(1) The votes at the poll must be given by ballot.  
(2) The result must be ascertained in accordance with Part 4 (counting of votes).

#### Commencement Information

- 11** Sch. 1 rule 21 in force at 17.12.2021, see [rule 1](#)

#### The ballot papers

- 22.**—(1) The ballot of every voter must consist of a ballot paper.  
(2) The only persons entitled to have their names inserted on the ballot paper are those remaining validly nominated for the electoral area after any withdrawals under rule 12.  
(3) A ballot paper must be—  
(a) in the form in Appendix 2, and  
(b) printed in accordance with the directions in that Appendix.  
(4) The ballot paper must—  
(a) contain the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated,  
(b) be capable of being folded up, and  
(c) have a number and other unique identifying mark printed on the back.  
(5) At the request of a candidate who is authorised under rule 6(3)(c) to use a description likely to lead electors to associate the candidate with a registered political party, the ballot paper must contain, against the candidate's particulars, one registered emblem of the party.  
(6) At the request of a candidate who is authorised under rule 6(4)(c) to use a description likely to lead electors to associate the candidate with two or more registered political parties, the ballot paper must contain, against the candidate's particulars, one registered emblem of one of the parties.  
(7) The candidate's request under paragraph (5) or (6) must be—

*Changes to legislation: There are currently no known outstanding effects for the The Local Elections (Communities) (Wales) Rules 2021, PART 2. (See end of Document for details)*

- (a) made in writing to the returning officer, and
  - (b) received by the returning officer before the last time for the delivery of nomination papers as set out in the timetable in rule 1.
- (8) The order of the names in the ballot paper must be the same as in the statement of persons nominated.

**Commencement Information**

**I2** Sch. 1 rule 22 in force at 17.12.2021, see [rule 1](#)

**Corresponding number list**

**23.**—(1) The returning officer must prepare a list (“the corresponding number list”) in accordance with this rule.

(2) The corresponding number list must be in two parts.

(3) Part 1 must contain the numbers and unique identifying marks of all ballot papers to be issued in pursuance of rule 28(1) (postal ballot papers).

(4) Part 2 must contain the numbers (but not the unique identifying marks) of all ballot papers to be provided in pursuance of rule 32(1) (provision of ballot boxes and ballot papers at polling stations).

(5) The corresponding number list must be in the form set out in Appendix 3 or a form to the like effect.

**Commencement Information**

**I3** Sch. 1 rule 23 in force at 17.12.2021, see [rule 1](#)

**The official mark**

**24.**—(1) Each ballot paper must contain an appropriate security marking (“the official mark”).

(2) The official mark must be kept secret.

(3) An interval of not less than five years must intervene between the use of the same official mark at elections for the same community.

(4) The returning officer may use a different official mark for different purposes at the same election.

**Commencement Information**

**I4** Sch. 1 rule 24 in force at 17.12.2021, see [rule 1](#)

**Prohibition of disclosure of vote**

**25.** A person who has voted at the election may not be required to state for whom they voted in any legal proceedings to question the election.

**Commencement Information**

**I5** Sch. 1 rule 25 in force at 17.12.2021, see [rule 1](#)

**Use of schools and public rooms**

**26.**—(1) The returning officer may use any of the following rooms 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 county or county borough council;
- (b) a room in a school in respect of which grants are made out of money provided by Senedd Cymru to the person or body responsible for the management of the school;
- (c) any other room if the expense of maintaining the room is payable wholly or mainly out of public funds.

(2) Where a room described in paragraph (1) is used for the purpose of taking the poll or counting the votes, the returning officer must—

- (a) make good any damage to the room resulting from its use for that purpose, and defray any expense incurred by the person or body having control over the room by reason of its use for that purpose.

**Commencement Information**

**I6** Sch. 1 rule 26 in force at 17.12.2021, see [rule 1](#)

Action to be taken before the poll

**Notice of poll**

**27.**—(1) The returning officer must publish notice of the poll stating—

- (a) the day and hours fixed for the poll,
- (b) the number of councillors to be elected for the electoral area, and
- (c) the names and descriptions (if any) of each candidate remaining validly nominated and their home address information.

(2) The candidates' particulars, and the order of the candidates' names, must be the same as in the statement of persons nominated.

(3) The returning officer must, before or at the same time as publishing notice of the poll, also publish notice of—

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

(4) The returning officer must, as soon as practicable after publishing notice under paragraph (3), give a copy of it to each of the candidates or to their election agents (if appointed).

**Commencement Information**

**I7** Sch. 1 rule 27 in force at 17.12.2021, see [rule 1](#)

**Postal ballot papers**

**28.**—(1) The returning officer must, in accordance with regulations under the 1983 Act<sup>(1)</sup>, issue to those entitled to vote by post—

- (a) a ballot paper,
- (b) a postal voting statement in the form set out in Appendix 4 or a form to the like effect, and
- (c) such envelopes for the return of the ballot paper and postal voting statement as may be prescribed by regulations under the 1983 Act.

(2) The returning officer must also issue to those entitled to vote by post such information as the returning officer considers appropriate about how to obtain—

- (a) translations into languages other than English and Welsh 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, and
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision—

- (a) for the form to be signed by the elector or, where the elector is voting by proxy, the proxy, unless the registration officer has dispensed with the requirement for a signature, and
- (b) for stating the date of birth of the elector or, where the elector is voting by proxy, the proxy.

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

**Commencement Information**

**18** Sch. 1 rule 28 in force at 17.12.2021, see [rule 1](#)

**Provision of polling stations**

**29.**—(1) The returning officer must—

- (a) provide a sufficient number of polling stations, and
- (b) allot the electors to the polling stations.

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

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

**Commencement Information**

**19** Sch. 1 rule 29 in force at 17.12.2021, see [rule 1](#)

**Appointment of presiding officers and clerks**

**30.**—(1) The returning officer must appoint and pay—

- (a) a presiding officer to attend at each polling station, and

(1) See the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341); relevant amending instruments are S.I. 2002/871, S.I. 2006/752, S.I. 2006/2910 and S.I. 2013/3198.

- (b) such number of clerks as may be necessary for the purposes of the poll or the count or otherwise for the purposes of the election.
- (2) The returning officer must not knowingly appoint, as a presiding officer or clerk, a person who has been employed by or on behalf of a candidate in connection with the election.
- (3) The returning officer may preside at a polling station.
- (4) Where the returning officer presides at a polling station, these rules apply to the returning officer so presiding with the necessary modifications as to things done by the returning officer in relation to the presiding officer or by the presiding officer in relation to the returning officer.
- (5) A presiding officer may authorise the clerks to do anything (including asking questions) that the presiding officer is required or authorised by these rules to do <sup>F1</sup>..., except ordering the exclusion or removal of any person from the polling station.

#### Textual Amendments

- F1** Words in [Sch. 1 rule. 30\(5\)](#) omitted (10.3.2022) by virtue of [The Local Elections \(Miscellaneous and Consequential Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/263\)](#), regs. 1(2), **3(5)(a)** (with reg. 12(a))

#### Commencement Information

- I10** Sch. 1 rule 30 in force at 17.12.2021, see [rule 1](#)

### Issue of official poll cards

- 31.**—(1) The community council may, not later than 4 p.m. on the nineteenth day before the day of election, request the returning officer to issue poll cards for the election.
- (2) The returning officer must, as soon as practicable after receiving the request, send or deliver—
    - (a) an official poll card to electors not voting by post,
    - (b) an official postal poll card to electors voting by post and not by proxy,
    - (c) an official proxy poll card to a person voting as proxy for an elector and not by post, and
    - (d) an official proxy postal poll card to a person voting as proxy for an elector by post.
  - (3) In the case of an elector with an anonymous entry, the returning officer must issue the appropriate poll card whether or not the council has requested the issue of poll cards under paragraph (1).
  - (4) An official poll card or an official postal poll card must be sent or delivered to the elector’s qualifying address.
  - (5) An official proxy poll card or an official proxy postal poll card must be sent or delivered to the proxy’s address, as shown in the list of proxies.
  - (6) Each poll card must be in the appropriate form in Appendix 5 or a form to the like effect and must set out—
    - (a) the name of the council to which councillors are to be elected,
    - (b) the electoral area for which councillors are to be elected,
    - (c) the number of councillors to be elected for that electoral area,
    - (d) the elector’s name, qualifying address and number on the register,
    - (e) the date and hours of the poll and the situation of the elector’s polling station, and
    - (f) such other information as the returning officer considers appropriate.

- (7) Different information may be provided under paragraph (6)(f) to different electors or descriptions of elector.
- (8) In the case of an elector with an anonymous entry, the poll card—
- (a) must contain such information as is specified in the appropriate form in Appendix 5 instead of the information set out in paragraph (6)(d), and
  - (b) must be sent or delivered in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry.
- (9) In this rule—
- (a) “elector” means a person who is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of the election, except that it includes a person then shown in the register (or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries) as below voting age only if it appears from the register (or the record of anonymous entries) that the person will be of voting age on the day fixed for the poll;
  - (b) “qualifying address” has the same meaning as in the 1983 Act (see section 202(1) of that Act(2)).

#### Commencement Information

**111** Sch. 1 rule 31 in force at 17.12.2021, see [rule 1](#)

### Equipment of polling stations

**32.**—(1) The returning officer must provide each presiding officer with such number of ballot boxes and ballot papers as the returning officer considers necessary.

(2) Each ballot box must be constructed so that 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, without the seal being broken.

- (3) The returning officer must provide each polling station with—
- (a) materials to enable voters to mark the ballot papers,
  - (b) copies of the relevant register of electors,
  - (c) copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act(3) so far as relating to the relevant register of electors,
  - (d) copies of the parts of any lists of persons entitled to vote by post or by proxy that correspond to the relevant register of electors, and
  - (e) a list (“the polling station’s corresponding number list”) consisting of that part of Part 2 of the corresponding number list prepared under rule 23 that contains the numbers, but not the other unique identifying marks, corresponding to those on the ballot papers provided to the presiding officer under paragraph (1).

(4) In paragraph (3), “the relevant register of electors” means the register of electors for the electoral area or such part of it as contains the entries relating to the electors allotted to the polling station.

(2) Section 202(1) was amended to insert a definition of “qualifying address” by paragraph 22 of Schedule 1 to the Representation of the People Act 2000.

(3) Sections 13 to 13B of the 1983 Act were substituted for section 13 of that Act by paragraph 6 of Schedule 1 to the Representation of the People Act 2000. Section 13B(3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006.

- (5) The returning officer must cause to be displayed at each polling station an enlarged sample copy of the ballot paper.
- (6) The returning officer must also provide each polling station with—
- (a) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially-sighted, and
  - (b) a device for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or a companion (see rules 43 to 45 for the assistance that may be obtained from the presiding officer or a companion).
- (7) The sample copy of the ballot paper required to be displayed and provided by paragraphs (5) and (6)(a) must be clearly marked as specimen and provided only for the guidance of voters.
- (8) 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 a suitable means for the voter to—
    - (i) identify the spaces on the ballot paper on which votes may be marked,
    - (ii) identify the candidate to which each space refers, and
    - (iii) mark their vote on the space chosen.
- (9) The returning officer must also cause a notice in the form in Appendix 6, giving directions for the guidance of voters in voting, to be displayed—
- (a) inside each polling station (but outside the voting compartments), and
  - (b) outside each polling station.
- (10) The returning officer may also provide copies of the notice in Braille or in such languages other than English and Welsh as the returning officer considers appropriate.
- (11) A notice containing the following information must be exhibited inside each voting compartment in each polling station—
- (a) where only one councillor is to be elected, an instruction to the voter to vote only once by putting a cross [X] in the box next to their choice;
  - (b) where more than one councillor is to be elected, an instruction to the voter to vote for no more than the number to be elected by putting a cross [X] in the box next to each of their choices;
  - (c) a warning to the voter to put no other mark on the ballot paper or their vote may not count.

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**Commencement Information**

**112** Sch. 1 rule 32 in force at 17.12.2021, see [rule 1](#)

**Appointment of polling and counting agents**

- 33.**—(1) A candidate may, before the poll begins, 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) The maximum number of polling agents who may attend a polling station is four or such greater number as the returning officer may by notice permit.
- (4) If the number of polling agents appointed to attend at a particular polling station exceeds four (or any greater number that the returning officer has by notice permitted)—
- (a) the returning officer must decide which agents are permitted to attend by lot, and
  - (b) only the agents on whom the lot falls are to be treated as having been appointed.
- (5) The returning officer may impose a limit on the number of counting agents who may be appointed by each candidate but the limit—
- (a) must be the same for all the candidates, and
  - (b) unless there are special circumstances, must not be less than the number obtained by dividing the number of clerks employed at the count by the number of candidates (ignoring any remainder).
- (6) For the purposes of the calculations required by paragraph (5), a counting agent who has been appointed for more than one candidate is a separate agent for each of the candidates by whom they have been appointed.
- (7) The candidate must give a notice to the returning officer where polling agents or counting agents are appointed.
- (8) The notice must—
- (a) give the names and addresses of the persons appointed, and
  - (b) be given no later than the fifth day before the day of the poll, disregarding any excluded day.
- (9) If a polling agent or counting agent dies or becomes incapable of acting, the candidate—
- (a) may appoint another agent instead, and
  - (b) must immediately give the returning officer a notice stating the other agent's name and address.

**Commencement Information**

**I13** Sch. 1 rule 33 in force at 17.12.2021, see [rule 1](#)

**Polling and counting agents: supplemental provision**

- 34.**—(1) A candidate or the candidate's election agent (if appointed) may—
- (a) do anything that the candidate's polling or counting agent is authorised to do (or would, if appointed, have been authorised to do);
  - (b) assist the candidate's polling or counting agent to do anything that the polling or counting agent is authorised to do.
- (2) Anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done instead in the presence of the candidate's election agent (if appointed).
- (3) Where these rules require or authorise something to be done in the presence of the polling or counting agents, the non-attendance of the agent or agents at the time and place appointed does not invalidate the thing done.
- (4) Where a candidate does not have a counting agent, the returning officer may give the candidate any notice that is required by these rules to be given to the counting agent.



**Commencement Information**

**I14** Sch. 1 rule 34 in force at 17.12.2021, see [rule 1](#)

**Notification of requirement of secrecy**

**35.**—(1) The returning officer must make arrangements to ensure that every person attending at a polling station, other than a person described in paragraph (2)(a) to (d), has been given a notice setting out the provisions of section 66(1), (3) and (6) of the 1983 Act<sup>(4)</sup>.

(2) The persons to whom the duty under paragraph (1) does not apply are—

- (a) a person attending the polling station for the purpose of voting;
- (b) a person under the age of 16 who accompanies a voter to the polling station;
- (c) a person attending the polling station as the companion of a voter with disabilities;
- (d) a person attending the polling station as a constable on duty.

(3) In this rule, a reference to a constable includes a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002<sup>(5)</sup> (police powers for civilian staff and volunteers).

**Commencement Information**

**I15** Sch. 1 rule 35 in force at 17.12.2021, see [rule 1](#)

**Return of postal ballot papers**

**36.**—(1) Where a postal vote has been returned in respect of a person who is entered on the postal voters list, the returning officer must mark the list in the manner prescribed by regulations under the 1983 Act.

(2) Where a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list, the returning officer must mark the list in the manner prescribed by regulations under that Act.

(3) Rule 54(8) does not apply for the purpose of deciding whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

**Commencement Information**

**I16** Sch. 1 rule 36 in force at 17.12.2021, see [rule 1](#)

The Poll

**Admission to polling station**

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

- (a) voters allotted to the polling station,

(4) Section 66 of the 1983 Act was amended by paragraphs 82 and 86 of Schedule 1 to the Electoral Administration Act 2006 and paragraph 3 of Schedule 3 to the Representation of the People Act 1985; there are other amendments but none are relevant to these Rules.

(5) [2002 c. 30](#). Section 38 was amended by section 38 of the Policing and Crime Act 2017.

- (b) persons under the age of 16 who accompany voters to the polling station,
  - (c) the candidates and their election agents (if appointed),
  - (d) the polling agents appointed to attend at the polling station,
  - (e) the clerks appointed to attend at the polling station,
  - (f) the returning officer or members of the returning officer's staff,
  - (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000<sup>(6)</sup> (representatives of the Electoral Commission and accredited observers),
  - (h) the constables on duty, and
  - (i) the companions of voters with disabilities.
- (2) The presiding officer must regulate the total number of voters and persons under the age of 16 who accompany them who are admitted to the polling station at the same time.
- (3) Only one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.
- (4) A constable voting in person may do so either—
- (a) at the polling station allotted under these rules, or
  - (b) at another polling station, if the constable produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by an officer of police of or above the rank of inspector.
- (5) A person employed by the returning officer, if voting in person, may do so either—
- (a) at the polling station allotted under these rules, or
  - (b) at another polling station, if the person produces and surrenders a certificate in the form in Appendix 7 or a form to the like effect, signed by the returning officer.
- (6) A certificate surrendered under paragraph (4) or (5) must immediately be cancelled.
- (7) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

**Commencement Information**

**I17** Sch. 1 rule 37 in force at 17.12.2021, see [rule 1](#)

**Keeping of order in station**

- 38.**—(1) The presiding officer must keep order at the polling station.
- (2) If a person engages in misconduct in a polling station, or fails to obey any orders lawfully given by the presiding officer, the presiding officer may order that the person be removed from the polling station.
- (3) Where the presiding officer orders that a person be removed, the person may be removed immediately—
- (a) by a constable in or near the polling station, or
  - (b) by any other person authorised in writing by the returning officer to remove people from the polling station.

<sup>(6)</sup> Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006.

(4) Where a person is removed, the person must not, without the presiding officer’s permission, re-enter the polling station on the day of the poll.

(5) Where a person who is removed is charged with the commission of an offence in the polling station, the person may be dealt with as a person taken into custody by a constable for an offence without a warrant.

(6) 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.

**Commencement Information**

**I18** Sch. 1 rule 38 in force at 17.12.2021, see [rule 1](#)

**Sealing of ballot boxes**

**39.**—(1) The presiding officer must take the following steps immediately before the poll begins.

(2) The presiding officer must show the empty ballot box to those people (if any) who are present in the polling station, so that they may see that it is empty.

(3) The presiding officer must then—

- (a) lock up the box, if it has a lock, and
- (b) place the returning officer’s seal on it, in such a way as to prevent it being opened without breaking the seal.

(4) The presiding officer must then place the box, within the presiding officer’s view, for the receipt of ballot papers.

(5) The presiding officer must keep the box locked and sealed or (if it does not have a lock) keep it sealed.

**Commencement Information**

**I19** Sch. 1 rule 39 in force at 17.12.2021, see [rule 1](#)

**Questions that may be put to voters**

**40.**—(1) At the time of an application for a ballot paper (but not afterwards), the presiding officer may put to any person described in the first column of Table 1 (set out in paragraph (3)) or in the first column of Table 2 (set out in paragraph (4)), one or more of the questions set out in the corresponding entry in the second column.

(2) If required to do so by the candidate or the candidate’s election or polling agent, the presiding officer must put to any person described in the first column of Table 1 one or more of the questions set out in the corresponding entry in the second column.

(3) Table 1 sets out questions that a presiding officer may put under paragraph (1) and that a candidate (or the candidate’s election or polling agent) may require to be put under paragraph (2).

**Table 1**

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector	1(a) Are you the person registered in the register of local government electors for this election as follows?

**Changes to legislation:** There are currently no known outstanding effects for the *The Local Elections (Communities) (Wales) Rules 2021, PART 2*. (See end of Document for details)

<i>Description</i>	<i>Questions</i>
	<p>Notes to 1(a)</p> <p>The presiding officer must then read the whole entry from the copies of the registration records.</p> <p>1(b) Have you already voted, in this or another ward, at the election of councillors for this community, otherwise than as proxy for some other person?</p> <p>Notes to 1(b)</p> <p>The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>
<p>2. A person applying as proxy for an elector other than an elector who has an anonymous entry</p>	<p>2(a) Are you the person whose name appears as AB in the list of proxies for this election as entitled to vote as proxy on behalf of CD?</p> <p>2(b) Have you already voted, in this or another ward, at the election of councillors for this community, as proxy on behalf of CD?</p> <p>2(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of CD?</p> <p>Notes to 2(a) to (c)</p> <p>Where a question refers to AB, the presiding officer reads out the name as it appears in the list of proxies. Where a question refers to CD, the presiding officer reads out the name of the elector.</p> <p>Note to 2(b)</p> <p>The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>
<p>3. A person applying as proxy for an elector who has an anonymous entry</p>	<p>3(a) Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(b) Have you already voted as proxy on behalf of the elector whose number on the register of electors is [x]?</p> <p>3(c) Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild</p>

<i>Description</i>	<i>Questions</i>
	<p>of the person whose number on the register of electors is [x]?</p> <p>Note to 3(a) to (c)</p> <p>Where the questions in this entry refer to [x], the presiding officer must read the elector’s number from the copies of the registration records.</p>
4. A person applying as proxy who has been asked the question numbered 2(c) or 3(c) in column 2 and has not answered “Yes”	<p>4. Have you already voted, in this or another ward, at the election of councillors for this community, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild?</p> <p>Note to 4</p> <p>The words “, in this or another ward,” may be omitted if an election is taking place only in one ward or if there are no wards.</p>

(4) Table 2 sets out the questions that a presiding officer may put under paragraph (1) (but cannot be required to put under paragraph (2)).

**Table 2**

<i>Description</i>	<i>Questions</i>
1. A person applying as an elector in relation to whom there is an entry in the postal voters list	<p>1(a) Did you apply to vote by post?</p> <p>1(b) Why have you not voted by post?</p>
2. A person applying as proxy who is named in the proxy postal voters list	<p>2(a) Did you apply to vote by post as proxy?</p> <p>2(b) Why have you not voted by post as proxy?</p>

(5) A ballot paper must not be given to any person required to answer one or more of the questions in Table 1 or 2 unless the person has answered the question or questions satisfactorily.

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

(7) In this rule, “the copies of the registration records” means the copies provided by the returning officer for the polling station under rule 32(3)(b) and (c) (copies of the relevant register of electors and copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act relating to the relevant register of electors).

**Commencement Information**

**I20** Sch. 1 rule 40 in force at 17.12.2021, see [rule 1](#)

## Challenge of voter

**41.** A person must not be prevented from voting by reason only that either or both of the following apply—

- (a) a candidate, a candidate's election agent (if appointed) or a candidate's polling agent declares that they have reasonable cause to believe that the person has committed an offence of personation;
- (b) the person is arrested on the grounds that they are suspected of committing or being about to commit an offence of personation.

### Commencement Information

**I21** Sch. 1 rule 41 in force at 17.12.2021, see [rule 1](#)

## Voting procedure

**42.—**(1) A ballot paper must be given to a voter who applies for one.

(2) Immediately before the ballot paper is given—

- (a) the number of the elector, as stated in the copies of the registration records, must be called out,
- (b) unless the elector has an anonymous entry, the name of the elector, as stated in the copies of the registration records, must also be called out,
- (c) the number of the elector must be marked on the polling station's corresponding number list beside the number of the ballot paper to be issued,
- (d) a mark must be placed in the copies of the registration records against the number of the elector to note that a ballot paper has been received, but without showing the particular ballot paper that has been received, and
- (e) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.

(3) In the case of an elector who has an anonymous entry—

- (a) the ballot paper may be given only if the elector's official poll card or, where the elector is voting by proxy, the proxy's official poll card is shown to the presiding officer, and
- (b) only the elector's number may be called out.

(4) On receiving the ballot paper, the voter must go immediately into one of the compartments in the polling station.

(5) Without undue delay, the voter must then—

- (a) secretly mark the ballot paper,
- (b) fold the ballot paper up so as to conceal the vote,
- (c) show the presiding officer the back of the ballot paper, so as to disclose the number and other unique identifying mark, and
- (d) put the ballot paper into the ballot box in the presiding officer's presence.

(6) As soon as the voter has put the ballot paper in the ballot box, the voter must leave the polling station.

(7) If a voter is in the polling station, or in a queue outside the polling station, at the close of the poll and has not yet been able to cast their vote, the presiding officer must permit the voter to cast their vote as soon as practicable.

(8) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

**Commencement Information**

**I22** Sch. 1 rule 42 in force at 17.12.2021, see [rule 1](#)

**Voters with a disability or unable to read: marking of votes by presiding officer**

**43.**—(1) A voter may apply to the presiding officer for their vote to be marked if the voter—

- (a) is unable, because of blindness or other disability, to vote in the manner directed by these rules, or
- (b) declares orally that they are unable to read.

(2) Where an application is made, the presiding officer must, in the presence of any polling agents who are in the polling station when the application is made—

- (a) cause the voter’s vote to be marked on a ballot paper in the manner directed by the voter, and
- (b) cause the ballot paper to be placed in the ballot box.

(3) Where a voter’s vote is marked in pursuance of paragraph (2), the presiding officer must enter the following details on a list maintained by the presiding officer for the purposes of this rule (“the list of votes marked by the presiding officer”)—

- (a) the name and number of the voter, as shown in the copies of the registration records, and
- (b) the reason why the vote was marked.

(4) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name in the list of votes marked by the presiding officer is the elector’s number.

(5) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

**Commencement Information**

**I23** Sch. 1 rule 43 in force at 17.12.2021, see [rule 1](#)

**Voters with a disability or unable to read: assistance of companions**

**44.**—(1) A voter may apply to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of a companion.

(2) Where an application is made, the presiding officer must require the voter to declare, orally or in writing, whether the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion.

(3) In the following provisions of this rule, a voter who declares that they are so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion is referred to as a voter with disabilities.

(4) At the time when an application to vote with the assistance of a companion is made, the companion must make a written declaration before the presiding officer that the companion—

- (a) has attained the age of 16, and
- (b) has not previously assisted more than one voter with disabilities to vote at the election.

- (5) The companion’s declaration—
- (a) must be in the form in Appendix 8, and
  - (b) must be given to the presiding officer who must attest it and retain it.
- (6) The presiding officer must grant the voter’s application for the assistance of a companion if the presiding officer—
- (a) is satisfied that the voter is so affected by blindness or other disability, or by inability to read, as to be unable to vote without the assistance of a companion, and
  - (b) is also satisfied by the companion’s written declaration that the companion has attained the age of 16 and has not previously assisted more than one voter with disabilities to vote at the election.
- (7) Where the application is granted—
- (a) anything that is required to be done by these rules to the voter in connection with the giving of the vote may be done instead to the companion, and
  - (b) the voter may do anything that needs to be done in connection with the giving of the vote with the assistance of the companion.

**Commencement Information**

**I24** Sch. 1 rule 44 in force at 17.12.2021, see [rule 1](#)

**Voting with the assistance of a companion: supplemental provision**

**45.**—(1) Where a vote is given with the assistance of a companion in accordance with rule 44, the presiding officer must then enter the following details in a list maintained by the presiding officer (“the list of voters with disabilities assisted by companions”)—

- (a) the name and number of the voter, as shown in the copies of the registration records, and
- (b) the name and address of the companion.

(2) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name in the list of voters with disabilities assisted by companions is the elector’s number.

(3) Where the voter has an anonymous entry, only the voter’s number in the copies of the registration records may be entered in the list of voters with disabilities assisted by companions.

(4) No fee or other payment may be charged in respect of a declaration made by a companion under rule 44(4).

(5) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

**Commencement Information**

**I25** Sch. 1 rule 45 in force at 17.12.2021, see [rule 1](#)

**Tendered ballot papers: circumstances where available**

**46.**—(1) This rule sets out circumstances where a person who applies for a vote (“the applicant”) is entitled to vote on satisfactorily answering the questions permitted by law to be asked at the poll but where the procedure for giving the vote is modified in the following two ways—

- (a) the person must use a ballot paper that is of a different colour to other ballot papers, and



- (b) the person must give the ballot paper to the presiding officer (instead of putting it in the ballot box).

*Circumstances where vote already given in person*

- (2) The first set of circumstances is where—
  - (a) the applicant represents themselves to be a particular elector named in the copies of the registration records and not named in the postal voters list or list of proxies, and
  - (b) another person has already voted in person either as that elector or as that elector’s proxy.
- (3) The second set of circumstances is where—
  - (a) the applicant represents themselves to be a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy, and
  - (b) another person has already voted in person either as that elector or as that elector’s proxy.

*Circumstances where applicant on postal voters list claims not to have applied for postal vote*

- (4) The third set of circumstances is where—
  - (a) the applicant represents themselves to be a particular elector named in the copies of the registration records,
  - (b) the applicant is also named in the postal voters list, and
  - (c) the applicant claims not to have made an application to vote by post at the election.
- (5) The fourth set of circumstances is where—
  - (a) the applicant represents themselves to be a particular person named as a proxy in the list of proxies,
  - (b) that person is also named in the proxy postal voters list, and
  - (c) the applicant claims not to have made an application to vote by post as proxy at the election.

*Circumstances where applicant claims to have lost postal ballot paper etc.*

- (6) The fifth set of circumstances is where—
  - (a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular elector named in the copies of the registration records who is also named in the postal voters list, and
  - (b) the applicant claims to have lost or not to have received that person’s postal ballot paper.
- (7) The sixth set of circumstances is where—
  - (a) after the last time at which a person may apply for a replacement postal ballot paper but before the close of the poll, the applicant represents themselves to be a particular person named as a proxy in the list of proxies who is also named in the proxy postal voters list, and
  - (b) the applicant claims to have lost or not to have received that person’s postal ballot paper.
- (8) A ballot paper that is given to a presiding officer in accordance with this rule is referred to in these rules as a “tendered ballot paper”.
- (9) Where an elector has an anonymous entry, the references in this rule to a person named in the copies of the registration records or a list are to be read as references to a person who has a number in the copies or list.
- (10) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

**Commencement Information**

**I26** Sch. 1 rule 46 in force at 17.12.2021, see [rule 1](#)

**Duties of presiding officer in relation to tendered ballot papers**

- 47.**—(1) This rule sets out the duties of the presiding officer in relation to tendered ballot papers.
- (2) The presiding officer must endorse the following information on the ballot paper—
- (a) the name of the voter, and
  - (b) the voter’s number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.
- (3) The presiding officer must put the ballot paper in a separate packet.
- (4) The following information must be entered on a list (the “tendered votes list”)—
- (a) the name of the voter, and
  - (b) the voter’s number in the copies of the registration records or, if the voter is voting as proxy for an elector, the number of the elector.
- (5) Where an elector has an anonymous entry, the presiding officer must not include the name of the voter on the ballot paper or in the tendered votes list.
- (6) In this rule, “the copies of the registration records” has the same meaning as in rule 40 (see paragraph (7) of that rule).

**Commencement Information**

**I27** Sch. 1 rule 47 in force at 17.12.2021, see [rule 1](#)

**Spoilt ballot papers**

- 48.**—(1) This rule applies where a voter has inadvertently dealt with their ballot paper in such a manner that it cannot conveniently be used as a ballot paper.
- (2) The voter may obtain another ballot paper by—
- (a) giving the ballot paper that was inadvertently dealt with (the “spoilt ballot paper”) to the presiding officer, and
  - (b) proving to the presiding officer’s satisfaction that it was dealt with inadvertently.
- (3) Where the voter is given another ballot paper, the spoilt ballot paper must be cancelled immediately.

**Commencement Information**

**I28** Sch. 1 rule 48 in force at 17.12.2021, see [rule 1](#)

**Correction of errors on day of poll**

**49.** The presiding officer must keep a list of persons to whom ballot papers are given 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.

**Commencement Information**

**I29** Sch. 1 rule 49 in force at 17.12.2021, see [rule 1](#)

**Adjournment of poll in case of riot**

**50.**—(1) This rule applies where proceedings at any polling station are interrupted or obstructed by riot or open violence.

(2) The presiding officer must—

- (a) adjourn the proceedings until the following day, and
- (b) immediately inform the returning officer.

(3) Where the poll is adjourned at a 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 are to be read as references to the end of the hours of polling on the day to which it is adjourned.

**Commencement Information**

**I30** Sch. 1 rule 50 in force at 17.12.2021, see [rule 1](#)

**Procedure on close of poll**

**51.**—(1) This rule sets out the steps that must be taken by the presiding officer as soon as practicable after every voter has cast their vote.

(2) In the presence of any polling agents who are in the polling station, the presiding officer must seal each ballot box (with the key if any attached) in use at the polling station so as to prevent the introduction of additional ballot papers, using the presiding officer’s seal and the seals of any polling agents who wish to affix their seal.

(3) <sup>F2</sup>... The presiding officer must place each of the following in separate packets, sealed using the presiding officer’s seal and the seals of any polling agents who wish to affix their seal—

- (a) the unused and spoilt ballot papers (together);
- (b) the tendered ballot papers;
- (c) the marked copies of the registration records and list of proxies (together);
- (d) the polling station’s corresponding number list, as marked (see rule 42(2)(c)) (referred to in the following provisions of these rules as “the completed corresponding number list”);
- (e) any certificates surrendered under rule 37(4) or (5) (surrender of certificates issued to constables or staff of returning officers);
- (f) the following lists and declarations (together)—
  - (i) the list of votes marked by the presiding officer, together with a statement of the number of voters whose votes are marked under the heads “disability” and “unable to read” (see rule 43);
  - (ii) the declarations made by the companions of voters with disabilities (see rule 44);
  - (iii) the list of voters with disabilities assisted by companions (see rule 45);
  - (iv) the tendered votes list (see rule 47);

(v) the list maintained under rule 49 (correction of errors on day of poll).

[<sup>F3</sup>(3A) The presiding officer must do anything required by paragraph (3)(a), (b), (e) or (f) in the polling station, in the presence of any polling agents who are there.

(3B) The presiding officer may do anything required by paragraph (3)(c) or (d)—

- (a) in the polling station, in the presence of any polling agents who are there, or
- (b) if the presiding officer has informed the polling agents and given them an opportunity to attend, at any other place that the presiding officer considers appropriate, in the presence of any polling agents who are there.]

(4) The presiding officer must deliver the sealed ballot boxes and packets to the returning officer or cause them to be delivered in accordance with arrangements approved by the returning officer.

(5) The packets must be accompanied by a statement (“a ballot paper account”) prepared by the presiding officer showing—

- (a) the number of ballot papers given to the presiding officer, and
- (b) how the ballot papers are accounted for under the following headings—
  - (i) the number of ballot papers issued and not otherwise accounted for;
  - (ii) the number of ballot papers unused;
  - (iii) the number of spoiled ballot papers;
  - (iv) the number of tendered ballot papers.

(6) In this rule, “the marked copies of the registration records” means the copies of the registration records (as defined by rule 40(7)) as marked in accordance with these rules.

#### Textual Amendments

- F2** Words in [Sch. 1 rule. 51\(3\)](#) omitted (10.3.2022) by virtue of [The Local Elections \(Miscellaneous and Consequential Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/263\)](#), regs. 1(2), **3(5)(b)(i)** (with reg. 12(a))
- F3** [Sch. 1 rule. 51\(3A\)\(3B\)](#) inserted (10.3.2022) by [The Local Elections \(Miscellaneous and Consequential Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/263\)](#), regs. 1(2), **3(5)(b)(ii)** (with reg. 12(a))

#### Commencement Information

- I31** [Sch. 1 rule 51](#) in force at 17.12.2021, see [rule 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Elections (Communities) (Wales) Rules 2021, PART 2.