

Draft Regulations laid before Parliament under section 105(5) of the Local Government Act 2000, for approval by each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Mayoral Elections)
(England and Wales) Regulations 2002

<i>Made</i>	- - - -	2002
<i>Coming into force</i>	- -	2002

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by sections 44 and 105 of the Local Government Act 2000⁽¹⁾, having consulted the Electoral Commission as required by subsection (3A) of section 44 of that Act⁽²⁾, hereby makes the following Regulations which, in so far as they make provision relating to the limitation of election expenses (and the creation of criminal offences in connection with the limitation of such expenses) give effect to a recommendation of the Electoral Commission, as required by subsection (3B) of that section, and of which a draft has been laid before, and approved by resolution of, each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 and shall come into force on the day after that on which they are made.

Interpretation

2. In these Regulations, and in any provision as applied by these Regulations—

“the 2000 Act” means the Local Government Act 2000;

“the PPER Act” means the Political Parties, Elections and Referendums Act 2000⁽³⁾;

“the RP Act 2000” means the Representation of the People Act 2000⁽⁴⁾;

“the 1983 Act” means the Representation of the People Act 1983⁽⁵⁾;

(1) 2000 c. 22.

(2) Subsections (3A) and (3B) were inserted by the Political Parties, Elections and Referendums Act 2000, Schedule 21, paragraph 18.

(3) 2000 c. 41.

(4) 2000 c. 2.

(5) 1983 c. 2.

“the 1986 Regulations” means the Representation of the People Regulations 1986(6);

“the Elections Regulations” means the Representation of the People (England and Wales) Regulations 2001(7);

“the European Parliamentary Elections Rules” means the rules set out in the European Parliamentary Elections Regulations 1999(8);

“the GLA Elections Rules” means the Greater London Authority Elections (No. 2) Rules 2000(9);

“the Mayoral Elections Rules” means the Rules set out in Schedule 1 to these Regulations;

“the Parliamentary Elections Rules” means the rules set out in Schedule 1 to the 1983 Act;

“the Referendums Regulations” means the Local Authorities (Conduct of Referendums) (England) Regulations 2001(10);

“further referendum” means a referendum held in pursuance of an order under regulation 21(3) of the Referendums Regulations; and

“proper officer” has the meaning given by section 270(3) of the Local Government Act 1972(11).

Conduct of mayoral elections

3.—(1) An election for the return of an elected mayor(12) shall be conducted in accordance with the Rules set out in Schedule 1 to these Regulations (“the Mayoral Elections Rules”).

(2) The PPER Act, the RP Act 2000, the Representation of the People Act 1985, the 1986 Regulations, the Elections Regulations and, subject to regulations 5 and 6, the 1983 Act, shall have effect—

- (a) in relation to a mayoral election in England, as they have effect in relation to an election of councillors for any county electoral division or district or London borough ward;
- (b) in relation to a mayoral election in Wales, as they have effect in relation to an election of councillors for any county electoral division or county borough ward,

subject to the modifications set out in Schedule 2 to these Regulations.

Forms

4.—(1) Subject to paragraph (2), the Appendix (forms) to the Mayoral Elections Rules shall have effect for the purposes of the application of those Rules.

(2) Form 2 of the forms set out in the Appendix shall have effect for the purposes of the application of those Rules in England only.

Combination of polls

5.—(1) Where the poll at a mayoral election is taken together with the poll at one or more of—

- (a) a parliamentary election,
- (b) a European Parliamentary election,

(6) S.I. 1986/1081; amended by S.I. 1990/520, 1991/1198 and 1728, 1992/722, 1994/342, 1995/1948 and 2001/341.

(7) S.I. 2001/341.

(8) S.I. 1999/2214.

(9) S.I. 2000/427, amended by S.I. 2000/1040.

(10) S.I. 2001/1298, to which there are amendments not relevant to these Regulations.

(11) 1972 c. 70.

(12) For the definition of “elected mayor”, see section 39(1) of the Local Government Act 2000. For other provisions of that Act relevant to mayoral elections and voting at such elections, see, in particular, sections 41 to 43.

- (c) an election of councillors of the council of a county, a county borough, a district or a London borough,
- (d) a GLA election, and
- (e) a referendum under the Referendums Regulations (including a further referendum),

such of the Regulations and Rules listed in paragraph (2) as are applicable to the election or referendum concerned (other than the mayoral election) shall have effect in relation to the mayoral election; but the provisions specified in column (1) of Part I of Schedule 3 to these Regulations shall have effect subject to the modifications set out in column (2) of that Part.

(2) The Regulations and Rules mentioned in paragraph (1) are—

- (a) the 1986 Regulations,
- (b) the European Parliamentary Elections Regulations 1999 (including the European Parliamentary Elections Rules),
- (c) the Elections Regulations,
- (d) the Referendums Regulations,
- (e) the Parliamentary Elections Rules,
- (f) the Local Elections (Principal Areas) Rules 1986⁽¹³⁾,
- (g) the Local Elections (Parishes and Communities) Rules 1986⁽¹⁴⁾, and
- (h) the GLA Elections Rules.

(3) Where—

- (a) polls are combined as mentioned in paragraph (1); or
- (b) the poll at a mayoral election is combined with the poll at another mayoral election,

the Mayoral Elections Rules shall have effect subject to the modifications set out in Part II of Schedule 3, except that the first of those modifications shall apply only where the poll at the mayoral election is taken together with the poll at a parliamentary or European Parliamentary election.

(4) Where polls are combined as mentioned in paragraph (3), the ballot papers to be used at each election or, as the case may be, the election and the referendum, shall be of a different colour.

Questioning of mayoral elections

6. For the purposes of section 44(4) of the 2000 Act, Part III (legal proceedings) of the 1983 Act shall have effect in relation to the questioning of an election for the return of an elected mayor as it has effect in relation to the questioning of an election under the local government Act⁽¹⁵⁾.

Free delivery of election addresses

7.—(1) Each candidate at a mayoral election shall be entitled (subject to and in accordance with the provisions of Schedule 4 to these Regulations) to have an election address prepared on behalf of the candidate included in a booklet of election addresses—

- (a) prepared by the returning officer; and
- (b) delivered by that officer to each person entitled to vote at that election⁽¹⁶⁾.

(2) Candidates' election addresses shall be delivered at the expense of the authority for whose electoral area the election is held.

⁽¹³⁾ S.I. 1986/2214; amended by S.I. 1987/261, 1990/158, 1995/1948, 1998/578 and 2001/81.

⁽¹⁴⁾ S.I. 1986/2215; amended by S.I. 1987/260, 1990/157, 1995/1804, 1995/1948, 1998/585 and 2001/80.

⁽¹⁵⁾ The definition of “local government Act” is to be found in section 203(1) of the Representation of the People Act 1983.

⁽¹⁶⁾ As to the persons entitled to vote at mayoral elections, see section 43(1) of the Local Government Act 2000.

(3) Schedule 4 to these Regulations (which makes provision supplementing paragraph (1) above) shall have effect.

(4) In this regulation—

“electoral area”—

- (a) in relation to a mayoral election in England, means the county, district or London borough in which the election is held;
- (b) in relation to a mayoral election in Wales, means the county or county borough in which the election is held; and

“returning officer”, in relation to a mayoral election, means—

- (a) the proper officer of the London borough concerned or, as the case may be, the person appointed as the returning officer for the election in accordance with subsection (1) or (1A) of section 35 (returning officers: local elections in England and Wales)(**17**) of the 1983 Act; and
- (b) any person appointed under subsection (4) of that Act by a person of a description mentioned in paragraph (a).

Amendment of the Local Elections (Principal Areas) Rules 1986

8. The Local Elections (Principal Areas) Rules 1986 are amended, in paragraph 14 of Schedule 4, in the inserted paragraph (1A) of rule 37, by the insertion, after “an election under the Greater London Authority Elections Rules 2000, ”(**18**) of “or the Mayoral Elections Rules”.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

Minister of State
Department for Transport, Local Government
and the Regions

2002

(17) Section 35(1) was amended, and section 35(1A) inserted, by the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraph 68(7). Subsections (1), (1A) and (3) of section 35 are modified, for the purposes of mayoral elections, by regulation 3(2) of, and Table 1 in Schedule 2 to, these Regulations. For the definition of “proper officer”, relevant to section 35(3), see section 202(1) of the Representation of the People Act 1983, as substituted by the Greater London Authority Act 1999, Schedule 3, and section 270 of the Local Government Act 1972 (c. 70).

(18) These words were inserted by S.I. 2000/427, rule 7.

SCHEDULE 1

Regulation 3(1)

THE MAYORAL ELECTIONS RULES

ARRANGEMENT OF RULES

PART I

General Provisions

1. Citation
2. Interpretation

PART II

Provisions As To Time

3. Timetable
4. Computation of time

PART III

Stages Common To Contested And Uncontested Elections

5. Notice of election
6. Nomination of candidates and nomination papers
7. Subscription of nomination papers
8. Consent to nomination
9. Deposits
10. Decisions as to validity of nomination papers
11. Publication of statement of persons nominated
12. Inspection of nomination papers and consent to nomination
13. Withdrawal of candidates
14. Method of election

PART IV

Contested Elections

15. Poll to be taken by ballot
16. The ballot papers
17. The official mark
18. Prohibition of disclosure of vote
19. Use of schools and public rooms
20. Notice of poll, etc.
21. Postal ballot papers
22. Provision of polling stations
23. Appointment of presiding officers and clerks
24. Issue of official poll cards
25. Equipment of polling stations
26. Appointment of polling and counting agents
27. Notification of requirement of secrecy
28. Admission to polling station

29. Keeping of order in station
30. Sealing of ballot boxes
31. Questions to be put to voters
32. Challenge of voter
33. Voting procedure
34. Votes marked by presiding officer
35. Voting by persons with disabilities
36. Tendered ballot papers
37. Spoilt ballot papers
38. Adjournment of poll in case of riot
39. Procedure on close of poll
40. Attendance at the first count
41. The first count
42. Rejected ballot papers
43. Decisions on ballot papers
44. Re-count
45. Procedure at conclusion of first count

PART V

Further provision: more than two candidates

46. The count of second preference votes
47. The second calculation and resolution of equality

PART VI

Final proceedings in contested and uncontested elections

48. Declaration of result
49. Return or forfeiture of candidate's deposit

PART VII

Disposal of documents

50. Sealing up of ballot papers
51. Delivery and retention of documents
52. Orders for production of documents
53. Public inspection and destruction of documents

PART VIII

Death of candidate

54. Countermand or abandonment of poll on death of candidate
Signature
Explanatory Note

PART I

GENERAL PROVISIONS

Citation

1. These Rules may be cited as the Mayoral Elections Rules.

Interpretation

2.—(1) In these Rules, unless the context indicates otherwise—

“the 1983 Act” means the Representation of the People Act 1983⁽¹⁹⁾;

“the PPER Act” means the Political Parties, Elections and Referendums Act 2000⁽²⁰⁾;

“the appropriate form” in relation to a particular rule, means the form set out in the Appendix to these Rules as applicable to that rule or, where more than one form is so set out, the form indicated as relevant to the particular case;

“candidate” means a candidate to be the elected mayor;

“election” means an election for the return of an elected mayor;

“electoral area”—

(a) in relation to an election in England, means the county, district or London borough in which the election is held;

(b) in relation to an election in Wales, means the county or county borough in which the election is held;

“returning officer”, in relation to an election, means—

(a) the proper officer of the London borough concerned or, as the case may be, the person appointed as the returning officer for the election in accordance with subsection (1) or (1A) of section 35 (returning officers: local elections in England and Wales)⁽²¹⁾ of the 1983 Act; and

(b) any person appointed under subsection (4) of that section by a person of a description mentioned in paragraph (a).

(2) Other expressions used both in these Rules and in the 1983 Act (as it applies to local government elections) have the same meaning in these Rules as they have in that Act.

PART II

PROVISIONS AS TO TIME

Timetable

3. The proceedings at the election shall be conducted in accordance with the following Timetable:

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election
Publication of statement as to persons nominated	Not later than noon on the seventeenth day before the day of election

⁽¹⁹⁾ 1983 c. 2. Relevant amendments are made by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraph 3.

⁽²⁰⁾ 2000 c. 41.

⁽²¹⁾ Section 35(1) was amended, and section 35(1A) inserted, by the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraph 68(7). Subsections (1), (1A) and (3) of section 35 are modified, for the purposes of mayoral elections, by regulation 3(2) of, and Table 1 in Schedule 2 to, these Regulations. For the definition of “proper officer”, relevant to section 35(3), see section 202(1) of the Representation of the People Act 1983, as substituted by the Greater London Authority Act 1999, Schedule 3, and section 270 of the Local Government Act 1972 (c. 70).

<i>Proceeding</i>	<i>Time</i>
Delivery of notices of withdrawal of candidature	Not later than noon on the sixteenth 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 8 in the morning and 9 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, Maundy Thursday, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer 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(22) in England and Wales.

PART III**STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS****Notice of election**

5.—(1) The returning officer shall 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 shall state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election shall 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 returning officer in order that they may be effective for the election.

Nomination of candidates and nomination papers

6.—(1) Each candidate shall be nominated by a separate nomination paper.

(2) A nomination paper shall be in the appropriate form and shall be delivered at the place fixed for the purpose by the returning officer, which shall be at the offices of the council of the county, county borough, district or London borough in which the electoral area wholly or mainly lies.

(3) A nomination paper shall state the candidate's—

- (a) full names,

(22) 1971 c. 80.

- (b) home address, in full, and
 - (c) if desired, description,
- and the surname shall be placed first in the list of names.
- (4) The description, if any, which may not comprise more than six words, must consist of either—
 - (a) that authorised as mentioned in paragraph (5); or
 - (b) the word “Independent”.
 - (5) A nomination paper may not include a description of a candidate that is likely to lead voters to associate the candidate with a registered political 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
 - (ii) received by the returning officer before the last time for the delivery of nomination papers.
 - (6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (5) on behalf of a registered political party’s nominating officer.
 - (7) In this rule, “registered political party” means a party which was registered under Part II (registration of political parties) of the PPER Act at the time by which the notice of election is required to be published by virtue of rule 1 (“the relevant time”); and a registered political party is a qualifying party in relation to an electoral area if, at the relevant time, it was registered in respect of England or Wales in the Great Britain register maintained under that Part.

Subscription of nomination paper

- 7.—(1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by twenty-eight other electors as assenting to the nomination.
- (2) Where a nomination paper has the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.
 - (3) The nomination paper shall give the electoral number of each person subscribing it.
 - (4) The returning officer—
 - (a) shall supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and
 - (b) shall, at any elector’s request, prepare a nomination paper for signature,but it is not necessary for a nomination or consent to nomination to be on a form supplied by the returning officer.
 - (5) In this rule, “elector” means a person who, on the last day for publication of notice of the election, is registered in the register of local government electors for the electoral area in question; but if he is then below voting age, only if it appears from the register that he will be of voting age on the day fixed for the poll.

Consent to nomination

8. A person shall not be validly nominated unless his consent to nomination—

- (a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
- (b) is attested by one witness, and
- (c) is delivered at the place and within the time for delivery of nomination papers.

Deposits

9.—(1) A person shall not be validly nominated as a candidate unless the sum of £500 is deposited by him or on his behalf, with the returning officer at the place and during 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 returning officer's consent, in any other manner,

but the returning officer 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 shall at the time he makes it give his name and address to the returning officer (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

10.—(1) Where a nomination paper and the candidate's consent to it are delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

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

(2) The returning officer is entitled to hold the nomination paper of a person invalid only on one of the following grounds—

- (a) that the particulars of the candidate or of the persons subscribing the paper are not as required by law; and
- (b) that the paper is not subscribed as so required.

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

(4) If the returning officer is of the opinion that a nomination paper contravenes rule 6(5), he shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers.

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

(6) The returning officer shall, as soon as practicable after making such a decision as is mentioned in paragraph (4) or (5), send notice of it to the candidate at his home address as given in his nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall 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

11.—(1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

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

(3) The statement shall 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.

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

Inspection of nomination papers and consent to nomination

12. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for 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.

Withdrawal of candidature

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

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

(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 shall 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 shall 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

14. If, after any withdrawals under rule 13—

- (a) more than two candidates remain validly nominated, a poll shall be taken in accordance with Parts IV and V of these Rules,
- (b) only two candidates remain validly nominated, a poll shall be taken in accordance with Part IV;
- (c) only one candidate remains validly nominated, that person shall be declared to be elected in accordance with Part VI.

PART IV

CONTESTED ELECTIONS

Poll to be taken by ballot

15. The votes at the poll shall be given by ballot.

The ballot papers

16.—(1) The ballot of every person entitled to a mayoral vote at the election shall consist of a ballot paper.

(2) The persons remaining validly nominated for election to the office of mayor, after any withdrawals, and no others, shall be entitled to have their names inserted in the ballot paper at that election.

(3) Every ballot paper shall be in the appropriate form, printed in accordance with the directions set out in the Appendix to these Rules, and—

- (a) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on it.

(4) If a candidate who is the subject of a party's authorisation under rule 6(5) so requests, the ballot paper shall 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 request must—

- (a) be made in writing to the returning officer, and
- (b) be received by him during the period for delivery of nomination papers set out in the Timetable in rule 3.

(6) The names of the candidates shall be 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.

The official mark

17.—(1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at an election (of whatever description) for the same county, county borough, district or London borough, as the case may be.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition or disclosure of vote

18. No person who has voted at the election shall, in any legal proceedings to question the election, be required to state for whom he has voted.

Use of schools and public rooms

19.—(1) The returning officer 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 use of a room in an unoccupied hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

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

Notice of poll, etc.

20.—(1) The returning officer shall publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) particulars of each candidate remaining validly nominated,

and paragraph (6) of rule 16 shall apply in relation to the order in which names and particulars appear on the notice of the poll as it applies in relation to ballot papers.

(2) The returning officer shall, 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 shall as soon as practicable after giving such a notice give a copy of it to each of the election agents.

Postal ballot papers

21. The returning officer shall, in accordance with regulations made under the 1983 Act, issue to those entitled to vote by post a postal ballot paper and a declaration of identity in the appropriate forms, or forms to the like effect, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed by such regulations.

Provision of polling stations

22.—(1) The returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall 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 electoral area shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral area.

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

Appointment of presiding officers and clerks

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

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

(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

24.—(1) The returning officer shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if he is entitled to vote by post as proxy at the election.

(2) An elector's official poll card shall 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 shall be in the appropriate form, or a form to the like effect, and shall set out—

- (a) the name of the local authority to which the election relates;
- (b) that the election is a mayoral election;
- (c) the elector's name, qualifying address and number on the register; and
- (d) the date and hours of the poll and the situation of the elector's polling station.

Equipment of polling stations

25.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and such ballot papers as in the returning officer's opinion may be necessary.

(2) Every ballot box shall 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 returning officer shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors, or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (c).

(4) The returning officer shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially sighted; and

- (b) a device, of such description as is set out in paragraphs (5) to (10), 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 35(1)).
- (5) The device referred to in paragraph (4)(b) must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.
- (6) On the right-hand side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (7) to (10).
- (7) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces, to the right of the particulars of the candidates, on which the vote is to be marked (“the relevant space”).
- (8) Each tab shall be numbered so that, when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate whose particulars are to the left of the relevant space covered by the tab in question.
- (9) Each number on the tab shall be in raised form so that it can be clearly identified by touch.
- (10) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.
- (11) Notices in the appropriate forms, for the guidance of voters, shall be exhibited—
 - (a) inside and outside every polling station, and
 - (b) in every compartment of every polling station.

Appointment of polling and counting agents, etc

- 26.**—(1) Subject to paragraphs (3) to (5), before the commencement of the poll each candidate may appoint polling agents to attend at polling stations for the purpose of detecting personation; and counting agents to attend at the count.
- (2) The same person may be appointed as a polling agent or counting agent by more than one candidate.
 - (3) Not more than four polling agents, or such greater number as the returning officer may by notice allow, shall be permitted to attend at any particular polling station.
 - (4) If the number of such agents appointed to attend at a particular polling station exceeds that number, the returning officer shall determine by lot which agents are permitted to attend, and only the agents on whom the lot falls shall be deemed to have been duly appointed.
 - (5) The returning officer may limit the number of counting agents, but in doing so shall ensure that—
 - (a) the number is the same in the case of each candidate; and
 - (b) the number allowed to a candidate shall 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.
 - (6) For the purposes of the calculations required by paragraph (5) a counting agent appointed for more than one candidate is a separate agent for each of the candidates for whom he has been appointed.
 - (7) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate, or as the case may be, the election agent, to the returning officer and shall be so given not later than the fifth day (computed like any period of time in the Timetable in rule 3) before the day of the poll.

(8) If an agent dies, or becomes incapable of acting, the candidate, or as the case may be, the election agent, may appoint another person in his place, and shall forthwith give to the returning officer notice in writing of the name and address of that other person.

(9) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of the 1983 Act as to the appointment of paid polling agents, and any appointment for a candidate authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

(10) In the following provisions of this Part references to polling agents and counting agents shall 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.

(11) Any notice required to be given to a counting agent by the returning officer may be delivered at, or sent by post to, the address stated in the notice of appointment.

(12) 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.

(13) 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.

(14) 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 shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

27. The returning officer shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending at 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 in writing of the provisions of subsections (1), (3) and (6) of section 66(23) of the 1983 Act; 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 in writing of the provisions of subsections (2) and (6) of that section.

Admission to polling station

28.—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty; and
- (e) the companions of voters with disabilities.

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

(23) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

(3) A constable or person employed by the returning officer shall 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 of a certificate as to his employment which shall be in the appropriate form, or a form to the like effect, and signed by an officer of the police of or above the rank of inspector or by the returning officer, as the case may be.

(4) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in station

29.—(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 returning officer to remove him,

and the person so removed shall 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 shall 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

30. Immediately before the commencement of the poll, the presiding officer shall—

(a) show the ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the box is empty;

(b) lock up the box (if it has a lock);

(c) place his seal—

(i) on the lock; or

(ii) where the ballot box has no lock, on the box,

in such a manner as to prevent its being opened without breaking the seal;

(d) place the box in his view for the receipt of ballot papers; and

(e) keep the box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

31.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them—

(a) in the case of a person applying as an elector—

(i) "Are you the person registered in the register of local government electors for this election as follows?" (*read the whole entry from the register*)

(ii) "Have you already voted at this election otherwise than as proxy for some other person?"

(b) in the case of a person applying as proxy—

(i) “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.?”

(ii) “Have you already voted at this selection as proxy on behalf of C.D.?”

(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question—

“Are you the husband, wife, parent, grandparent, brother, sister, child or grandchild of C.D.?” and if that question is not answered in the affirmative the following question—

“Have you already voted at this election on behalf of two persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild?”

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

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

Challenge of voter

32.—(1) If at any time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

(a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and

(b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

Voting procedure

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

(a) the ballot paper shall be stamped with the official mark;

(b) the number and name of the elector as stated in the copy of the register of electors shall be called out;

(c) the number of the elector shall be marked on the counterfoil;

(d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and

(e) in the case of a person applying for a ballot paper as proxy, a mark shall be placed against his name in the list of proxies.

(2) The voter, on receiving the ballot paper shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

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

Votes marked by presiding officer

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

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

shall, 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, shall be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

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

Voting by persons with disabilities

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

- (a) blindness or other physical incapacity, 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 shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, 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
- (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 this rule, and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer shall 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 purposes of these Rules—

- (a) a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1); and
- (b) a person shall be qualified to assist a voter with disabilities to vote if that person is either—
 - (i) a person who is entitled to vote as an elector at the election; or
 - (ii) the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.

(4) Subject to paragraph 95), 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, shall

be entered on a list (in these Rules referred to as “the list of voters with disabilities assisted by companions”).

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

(6) The declaration made by the companion—

- (a) shall be in the appropriate form;
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion; and
- (c) shall forthwith be given to the presiding officer who shall attest and retain it.

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

Tendered ballot papers

36.—(1) If a person, representing himself to be—

- (a) a particular elector named on 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 shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) A tendered ballot paper shall—

- (a) be of a colour different 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 in the register of electors, and set aside in a separate packet.

(3) The name of the voter and his number on the register of electors shall be entered on a list (in these Rules referred to as the “tendered votes list”).

(4) 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 shall be the number of that elector.

Spoilt ballot papers

37. 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 on the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper shall be immediately cancelled.

Adjournment of polling case of riot

38.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the returning officer.

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

- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in these Rules to the close of the poll shall be construed accordingly.

Procedure on close of poll

39.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, 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 spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) 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 “physical incapacity” and “unable to read”, and the declarations made by the companions of voters with disabilities,

and shall deliver the packets or cause them to be delivered to the returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.

(2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(3) The packets shall be accompanied by a 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,
- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

Attendance at the count

40.—(1) The returning officer shall make arrangements for carrying out, as soon as practicable after the close of the poll, the counting of the votes cast at the election in the presence of the counting agents appointed for the purposes of the election; and he shall give to those agents notice in writing of the time and place—

- (a) at which he will begin to count the votes; and
- (b) at which he will begin any count of the second preference votes.

(2) No person other than—

- (a) the returning officer and his clerks,
- (b) the candidates and their husbands or wives,
- (c) the election agents, and
- (d) the counting agents,

may be present at the count, unless permitted by the returning officer to attend.

(3) A person not entitled to attend the count shall not be permitted to do so by the returning officer unless—

- (a) he is satisfied that the efficient counting of the votes will not be impeded; and

(b) he has either consulted the election agents or thought it impracticable to do so.

(4) The returning officer shall 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.

(5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The first count

41.—(1) The returning officer shall—

- (a) in the presence of the counting agents, open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the election agents, verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) The returning officer shall not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(3) The returning officer shall then—

- (a) where the election is contested by more than two candidates, count the first preference votes given on them;
- (b) where the election is contested by only two candidates, count the votes given on them.

(4) A postal ballot paper shall not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (5), and reaches the returning officer or any polling station in the electoral area in question before the close of the poll; and
- (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (5), and reaches him or such a polling station before that time.

(5) The manner in which any postal ballot paper or declaration of identity may be returned—

- (a) to the returning officer, is by hand or post;
- (b) to a polling station, is by hand.

(6) The returning officer shall not count any tendered ballot paper.

(7) While counting and recording the number of ballot papers and counting the votes, the returning officer shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(8) The returning officer shall 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 shall draw up a statement as to the result of the verification, which any election agent may copy.

(9) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 5 in the afternoon and 10 on the following morning.

(10) During the time so excluded the returning officer shall—

- (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

42.—(1) Any ballot paper—

- (a) which does not bear the official mark;
- (b) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (c) which is unmarked or void for uncertainty as to the first preference vote,

shall be void and not counted.

(2) A ballot paper on which a 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,

shall not for such reason be void if—

- (i) at an election at which more than two candidates remain validly nominated, an intention that votes shall be given, by way of a first preference vote, for not more than one of the candidates clearly appears;
- (ii) at any other election, an intention that a vote shall be for one only of the candidates clearly appears,

and (in each case) 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) A ballot paper which is not otherwise void and on which not more than one first preference vote is marked (whether or not a second preference vote is marked) shall be valid as respects that vote, and counted accordingly.

(4) The returning officer shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if any objection to his decision is made by a counting agent.

(5) The returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) voting for more than one candidate as to the first preference vote;
- (c) writing or mark by which the voter could be identified; and
- (d) unmarked or void for uncertainty as to the first preference vote.

Decisions on ballot papers

43. The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

Re-count

44.—(1) A candidate or his election agent may, if present when the counting or any re-count of the votes, or as the case may be, the first preference votes, is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of the votes, or as the case may be, the first preference 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.

Procedure at conclusion of first count

45.—(1) As soon as practicable after the conclusion of the first count (including any re-count), the returning officer shall draw up a statement showing—

- (a) the total number of ballot papers used;
- (b) the total number of rejected ballot papers;
- (c) at an election contested by more than two candidates—
 - (i) the number of first preference votes given to each candidate; and
 - (ii) the total number of first preference votes given; and
- (d) at an election contested by only two candidates, the number of votes given for each candidate.

(2) As soon as practicable after completion of the statement, the returning officer shall—

- (a) inform such of the candidates and their election agents as are then present of the contents of the statements (prepared in accordance with rule 42(5) and paragraph (1) of this rule; and
- (b) give public notice of the contents of those statements.

(3) Where an election is contested by more than two candidates, the returning officer shall—

- (a) if paragraph 2 of Schedule 2 to the 2000 Act applies (candidate with overall majority of first preference votes), make the declaration required by rule 48(1); or
- (b) if paragraph 3 of that Schedule applies, count the second preference votes at the time and place notified in accordance with rule 40(1)(b).

(4) Where—

- (a) an election is contested by only two candidates; and
- (b) the total number of votes given for each of them is unequal,

the person to be returned as the elected mayor is the candidate to whom the majority of the votes is given.

(5) Where—

- (a) an election is contested by only two candidates; and
- (b) the total number of votes given for each of them is equal,

the returning officer shall decide by lot which of them is to be returned as the elected mayor.

(6) In a case to which paragraph (4) or (5) applies, the declaration of the person to be returned as the elected mayor shall be made in accordance with rule 48.

PART V

FURTHER PROVISION: MORE THAN TWO CANDIDATES

The count of second preference votes

46.—(1) The returning officer shall count the number of second preference votes for each of the candidates remaining in the contest given by voters who did not give their first preference vote to any of those candidates.

(2) A ballot paper which is not otherwise void and on which not more than one second preference vote is marked shall be valid as respects that vote and shall be counted accordingly if, but only if, a valid first preference vote has also been marked.

(3) Rules 40(2) to (5), 41(6), (7), (9) and (10), 42 (except paragraph (3)) and 44(1) (except the words “the votes, or as the case may be”,) shall apply in relation to the count of second preference votes as they apply in relation to the count of first preference votes as if references to first preference votes were references to second preference votes.

(4) The returning officer shall not be required to re-examine any decision taken under rule 43.

The second calculation and resolution of equality

47.—(1) The returning officer shall comply with paragraph 3(6) of Schedule 2 to the 2000 Act.

(2) The returning officer shall then draw up a statement showing—

- (a) the total number of first preference votes given for each candidate,
- (b) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes,
- (c) the total number of votes given for each of those candidates, and
- (d) the number of ballot papers that were—
 - (i) valid as respects a first preference vote given for a candidate who did not remain in the contest after the count of the first preference votes; and
 - (ii) rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) As soon as practicable after completion of the statement, the returning officer shall provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the statement, and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(4) If, after the second calculation, the total number of votes given for two or more candidates remaining in the contest is equal, the person to be returned as the elected mayor is the person whom the returning officer decides, in accordance with paragraph 3(8) of Schedule 2 to the 2000 Act, is to be returned as the elected mayor.

PART VI

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

48.—(1) The returning officer shall declare the elected mayor to be the candidate who, in accordance with section 42(2) of the 2000 Act or, as the case may be, Schedule 2 to that Act, is to be returned as the elected mayor at that election.

(2) The returning officer shall give public notice of—

- (a) the name of the successful candidate,
- (b) the total number of first preference votes given for each candidate,
- (c) the number of rejected ballot papers at the election under each head shown in the statement of rejected ballot papers (rule 42(5)), and
- (d) if second preference votes were counted—
 - (i) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes, and
 - (ii) the number of ballot papers rejected for the purposes of the count of second preference votes on the ground that they were unmarked or void for uncertainty as to the second preference vote.

(3) In an uncontested election, the returning officer shall as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the person remaining validly nominated; and
- (b) give public notice of the name of the person declared to be elected.

(4) The returning officer shall inform the proper officer of the local authority concerned of the result of the election.

Return or forfeiture of candidate's deposit

49.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 of these Rules shall be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit shall 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 shall be disregarded if it would be disregarded under rule 4 in computing any period of time for the purposes of the timetable for an election of the kind in question; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

49.—(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof of his death has been given to the returning officer before the first calculation under rule 45, the deposit shall 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 first calculation under rule 45, the candidate is found not to have polled more than one-twentieth of the total number of first preference votes polled by all the candidates, the deposit shall be forfeited to the local authority of the electoral area concerned.

PART VII

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

50.—(1) On the completion of the counting of the votes at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers.

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

Delivery and retention of documents

51. The returning officer shall then forward to the proper officer of the local authority concerned the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the packets of counterfoils and certificates as to employment on duty on the day of the poll,
- (d) the marked copies of registers and of lists of proxies, and
- (e) the tended votes lists, the lists of voters with disabilities assisted by companies, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities,

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

Orders for production of documents

52.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the proper officer; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

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 purposes of an election petition.

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the proper officer may be made by an election court.

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

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

as the court making the order think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers,

care shall be taken that the way in which the vote of any particular elector has been given shall 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 proper officer of any document in his possession relating to any specified election—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
- (b) any endorsement on any packet of ballot papers so produced shall 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 ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall 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 name in the register of electors the same number as the number written on the counterfoil.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the proper officer or open any sealed packets of counterfoils and certificates.

Public inspection and destruction of documents

53.—(1) The proper officer shall retain for six months amongst the records of the local authority all documents relating to an election forwarded to him in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and in such manner as the local authority may determine.

(3) The proper officer shall, on request, supply copies of or extracts from the documents in his possession that are open to public inspection on payment of such fees and subject to such conditions as may be determined by the local authority.

PART VIII

DEATH OF CANDIDATE

Countermand or abandonment of poll on death of candidate

54.—(1) If at a contested election proof is given to the returning officer'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, then the returning officer shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39

(local elections void etc. in England and Wales) of the 1983 Act⁽²⁴⁾ apply in respect of any vacancy which remains unfilled.

(2) Where the poll is abandoned by reason of a candidate's death, the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of the ballot box and of 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, but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified and
- (b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes, shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(3) 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, with the following modifications—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils 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.

⁽²⁴⁾ Subsection (1) of section 39 was amended by the Local Government Act 1985 (c. 51), Schedule 17 and the Representation of the People Act 1985 (c. 50), section 19(2). See also the definition of "local government area" in subsection (1) of section 203 of the Representation of the People Act 1983 (c. 2), amended by the Greater London Authority Act 1999, Schedule 3, paragraph 39(4), and subsection (2) of that section, as substituted by paragraph 39(6) of that Schedule.

APPENDIX OF FORMS

Notes: In this Appendix any reference to a numbered rule is a reference to the rule of that number in the Mayoral Elections Rules.

The forms contained in this Appendix may be adapted so far as circumstances require.

ARRANGEMENT OF FORMS

Form 1	Nomination paper
Form 2	Candidate’s consent to nomination
Form 3	Ballot paper (two candidates)
Form 4	Ballot paper (three or more candidates)
Form 5	Declaration of identity
Form 6	Elector’s official poll card
Form 7	Proxy’s official poll card
Form 8	Notice for guidance of voters
Form 9	Notices for display in polling booths
Form 10	Certificate of employment
Form 11	Declaration to be made by the companion of a voter with disabilities

Form 1—Nomination paper

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]⁴
 OF

**delete as appropriate*

MAYORAL ELECTION

We, the undersigned, being local government electors for the Council's area, do hereby nominate the person mentioned below as a candidate at the mayoral election.

Candidate's surname	Other names in full	Description (if any)	Home address in full

Signatures

Electoral number

	Distinctive letter(s)	Number
Proposer
Seconder
We, the undersigned, being local government electors for the Council's area, do hereby assent to the foregoing nomination		
Signatures		
1
2
3
4
27
28

NOTES

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in rules 6 and 7 of the Mayoral Elections Rules
2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.
3. An elector may not subscribe more than one nomination paper for the same mayoral election.
4. A person whose name is entered in the register may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

Form 2—Candidate's consent to nomination *Note: this form is for use in England only*

Back of form

Set out sections 80 and 81 of the Local Government Act 1972 (as amended from time to time)(a)

- (a) Section 80 was amended by the Local Government Finance Act 1982 (c.32), Schedule 5, paragraph 5(1) and Schedule 6, Part IV, by the Representation of the People Act 1983 (c.2), Schedule 8, paragraph 12, the Transport Act 1985 (c.67), Schedule 8, the Education Reform Act 1988 (c.40), Schedule 13, Part I, the Local Government and Housing Act 1989 (c.42), Schedule 11, paragraph 21, the Environment Act 1995 (c.25), Schedule 13, paragraph 10, the Local Government Act 2000, Schedule 3, paragraph 5, and S.I. 2001/2237. Section 81 was amended by the Insolvency Act 1985 (c.65), Schedule 8, paragraph 22, the Local Government Act 1987 (c.50) Schedule 17, the Education Reform Act 1988, Schedule 13, Part II.

Form 3—Ballot paper (two candidates)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 No. 185

Front of ballot paper

VOTE FOR ONE CANDIDATE ONLY [X]

<p>Counterfoil No.</p> <p><i>The counterfoil is to have a number to correspond with that on the back of the ballot paper</i></p>	<i>Emblem (if any)</i>	<p>BASWRA Paresh Bswra 20 Kineade Road, Anytown, XZ8 1QT</p> <p>Cream Party</p>
		<p>CRANLEY Alana Cranley 4 Kennil Road, Anytown, XZ9 4WK</p> <p>Purple Party</p>

Back of ballot paper

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]*
 OF

**delete as appropriate*

MAYORAL ELECTION

No.

Mayoral election on20

Note: The number on the ballot paper is to correspond with that on the counterfoil.




Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—
 - (a) no word shall be printed on the face except—
 - (i) the direction “**VOTE FOR ONE CANDIDATE ONLY [X]**”;
 - (ii) the particulars of the candidates; and
 - (iii) words forming part of the emblems;
 - (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in sub-paragraph (a)(i) from the particulars of the candidates and the horizontal rules separating the particulars of the candidates and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked;
 - (c) the whole space between the top and the bottom of the paper shall be equally divided between the direction mentioned in sub-paragraph (a)(i) and each candidate by the horizontal rules mentioned in sub-paragraph (b).
3. The direction mentioned in sub-paragraph (a)(i) shall be printed in large capitals.

4. The surname of each candidate shall in both cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—
 - (a) if his surname is the same as the other candidate's, for his other names; and
 - (b) if his other names are also the same as the other candidate's, either for his home address or for his description unless each of them is the same as that of the other candidate with the same surname and other names.
5. Where an emblem is to be printed against a candidate's name—
 - (a) it shall be printed between the particulars and the vertical rule separating the particulars from the spaces where the vote is to be marked, and
 - (b) its size as printed shall not exceed two centimetres square.
6. The number on the back of the ballot paper shall be printed in small characters.

Form 4—Ballot paper (three or more candidates)

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 No. 185

		<i>Front of ballot paper</i>		VOTE ONCE [X] IN EACH COLUMN		
				<i>Emblem (if any)</i>	1st Choice	2nd Choice
<p>Counterfoil No.</p> <p><i>The counterfoil is to have a number to correspond with that on the back of the ballot paper</i></p>	1	<p>BROWN JOHN EDWARD Brown 2 The Cottages Anytown XY5 4QZ</p> <p>Labour</p>				
	2	<p>BROWN THOMAS WILLIAM Brown 15 Barchester Road Anytown XY7 2PJ</p> <p>Liberal Democrat</p>				
	3	<p>JONES William David Jones The Grange Anytown XY4 3KM</p> <p>Conservative</p>				
	4	<p>MERTON George Travis Merton The Heights Anytown XY17 2LD</p> <p>Independent</p>				
	5	<p>SMITH Mary Smith School House Anytown XY24 9RF</p> <p>Independent</p>				
	6	<p>WILLIAMS Elizabeth Venetia Williams 3 Ivy Lane Anytown XY3 6JH</p> <p>Independent</p>				

Back of ballot paper

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]*
OF

**delete as appropriate*

MAYORAL ELECTION

No.

Mayoral election on 20 ..

Note: The number on the ballot paper is to correspond with that on the counterfoil.

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper
 - (a) no word shall be printed on the face except the direction “**VOTE ONCE [X] IN EACH COLUMN**”, the column headings “1st Choice” and “2nd Choice”, the particulars of the candidates and words forming part of the emblems;
 - (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in sub-paragraph (a) from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked;
 - (c) the whole space between the top and the bottom of the paper shall be divided equally between the direction mentioned in sub-paragraph (a) and each of the candidates by the horizontal rules mentioned in sub-paragraph (b).
3. The direction mentioned in paragraph 2(a) shall be printed in large capitals.
4. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used
 - (a) if his surname is the same as another candidate’s, for his other names; and
 - (b) if his other names are also the same as the other candidate’s, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.
5. Where an emblem is to be printed against a candidate’s particulars—
 - (a) it shall be printed between the particulars and the vertical rule separating the particulars from the spaces where the vote is to be marked, and
 - (b) its size as printed shall not exceed two centimetres square.
6. The number on the back of the ballot paper shall be printed in small characters.

Form 5—Declaration of identity

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 No. 185

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No.

I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature (or mark)

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness's signature

Name of witness
(CAPITAL LETTERS)

Address of witness
(CAPITAL LETTERS)

.....
.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. (Two candidates) Vote for **ONE** candidate only. Put no other mark on the ballot paper or your vote may not be counted.

OR

2. (Three or more candidates) Vote **ONCE** for your **FIRST CHOICE** and **ONCE** for your **SECOND CHOICE**. Put no other mark on the ballot paper or your vote may not be counted.

3. Mark your vote(s) with a cross (X) to the right of the name of the candidate(s) to whom you wish to give your vote(s). Mark your vote(s) secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Put the ballot paper in the small envelope marked "A" and seal it. Then put the envelope marked "A", together with the declaration of identity, in the larger envelope marked "B". Return it without delay. The ballot paper, in order to be counted, must be received by the returning officer not later than the close of the poll.

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked "A" and "B". Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

Form 6—Elector’s official poll card

Front of card

REPRESENTATION OF THE PEOPLE ACTS
OFFICIAL POLL CARD

(Name of electoral area)

Polling Day

Your polling station will be

Polling hours 8 a.m. to 9 p.m.

Number on Register

Name

Address

.....

Back of card

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH] *
OF

**Delete as appropriate*

MAYORAL ELECTION

You need not take this card with you when you go to the polling station, but it will save time if you take it and show it to the clerk there.

When you go to the polling station, tell the clerk your name and address, as shown on the front of the card. The presiding officer will give you a ballot paper; see that he stamps the official mark on it before he gives it to you.

Go to one of the compartments. [Mark a cross (X) to the right of the name of the candidate you are voting for.] [Vote once for your first choice and once for your second choice.]

Put no other mark on the ballot paper or your vote may not be counted.

Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at this election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will not be entitled to vote in person at this election, so please ignore this poll card.

ISSUED BY THE RETURNING OFFICER

Form 7—Proxy’s official poll card

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 No. 185

Front of card

REPRESENTATION OF THE PEOPLE ACTS
PROXY'S OFFICIAL POLL CARD

Proxy's name

Proxy's address

[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]*
Of

**delete as appropriate*

MAYORAL ELECTION

Polling day

The poll will be open from 8 a.m. to 9 p.m.

Back of card

The elector named below, whose proxy you are, is entitled to vote at the polling station—

.....
.....

To vote as proxy you must go to that polling station. Tell the clerk that you wish to vote as proxy; give the name and qualifying address of the elector, as follows

Number on register

Name

Address

The presiding officer will give you the elector's ballot paper. The method of voting as proxy is the same as for casting your own vote.

It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, e.g. if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote at this election for more than two persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

The person who appointed you as proxy may himself vote in person at this election if he is able, and wishes, to do so and if he votes before you vote on his behalf.

ISSUED BY THE RETURNING OFFICER

Form 8—Notice for guidance of voters

GUIDANCE FOR VOTERS

1. When you are given a ballot paper, make sure that it is stamped with the official mark.
2. Go to one of the compartments. ***Vote for ONE candidate only. *VOTE ONCE FOR YOUR FIRST CHOICE AND ONCE FOR YOUR SECOND CHOICE.** Put no other mark on the ballot paper, or your vote may not be counted. **delete as appropriate*
3. Fold the ballot paper in two. Show the official mark to the presiding officer, but **do not** let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

Form 9—Notices for display in polling booths

Notice A—for use where there are only two mayoral candidates

“[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]*
OF

**delete as appropriate*

MAYORAL ELECTION

Vote for ONE candidate only”.

Notice B—for use where there are three or more candidates

“[COUNTY] [COUNTY BOROUGH] [DISTRICT] [LONDON BOROUGH]*
OF

**delete as appropriate*

MAYORAL ELECTION

Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE”.

Form 10—Certificate of employment

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 No. 185

REPRESENTATION OF THE PEOPLE ACTS

[COUNTY][COUNTY BOROUGH][DISTRICT][LONDON BOROUGH]*
OF

**Delete as appropriate*

MAYORAL ELECTION

I certify that *(name)* who is numbered
in the register of electors for the electoral area named above cannot reasonably be expected to go
in person to the polling station allotted to him or her at the election on *(date of poll)* by reason of
the particular circumstances of his or her employment on that date for a purpose connected with
the election—

**Delete whichever is
inappropriate*

**(a)* as a constable

**(b)* by me

Signature

**Returning officer/police officer
(inspector or above).*

Date

Note: The person named above is entitled to vote at any polling station in the electoral area
named above on production and surrender of this certificate to the presiding officer.

Form 11—Declaration to be made by the companion of voter with disabilities

I, A.B., of
having been requested to assist C.D. *(in the case of a person voting as proxy add voting as
proxy for M.N.)* whose number on the register is
to record his vote at the mayoral election now being held in this electoral area hereby declare
that [I am entitled to vote as an elector at this election].

**State the relationship of the
companion to the voter*

I am the *** of the voter
and have attained the age of 18 years], and I have
not previously assisted any person [except F. F.
of]
to vote at this election.

(Signed) A.B.

Date

I, the undersigned, being the presiding officer for the
polling station in *(insert name of electoral area)*, hereby certify that the declaration above,
having been first read to the declarant named above, was signed by the declarant in my presence.

(Signed) G.H.

Date: Time: minutes past o'clock [a.m.] [p.m.]

NOTE: If the person making the declaration above knowingly and wilfully makes therein a
statement false in a material particular, he will be guilty of an offence.

SCHEDULE 2

regulation 3(2)

MODIFICATIONS OF ACTS AND STATUTORY INSTRUMENT

TABLE 1

THE REPRESENTATION OF THE PEOPLE ACT 1983

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modifications (if any)</i>
Section 31 (polling districts and stations at local government elections)(25)	<p>In subsection (1)—</p> <p>(a) after “county councillors” insert “or, or elected mayors of county councils,”; and</p> <p>(b) after “district councillors”, insert “or elected mayors of London borough or district councils”.</p> <p>In subsection (1A), after “county borough councillors”, insert “, or elected mayors of county or county borough councils,”.</p>
Section 35 (returning officers: local elections in England and Wales)(26)	<p>In subsection (1)—</p> <p>(a) after “councillors of the county”, insert “and elected mayors of county council”; and</p> <p>(b) after “councillors of the district”, insert “and elected mayors of of the district council”.</p> <p>In subsection (1A), in paragraph (a), after “councillors of the county or county borough”, insert “and elected mayors of the county or county borough council”.</p> <p>In subsection (3), after “London borough councillors”, insert “ or an election of an elected mayor of a London borough council”.</p>
Section 36 (local elections in England and Wales)(27)	<p>In subsection (3), in paragraph (a), after “such a councillor”, insert “ or the election of an elected mayor of a district council”.</p> <p>In subsection (3AB), in paragraph (a), after “such a councillor,”, insert “or the election of an elected mayor of a Welsh county or county borough council,”.</p>

(25) Subsection (1) of section 31 was amended by the Local Government Act 1985 (c. 51), Schedule 17, and the Local Government (Wales) Act 1994 (c. 19), Schedule 16. Subsection (1A) was inserted by the Local Government (Wales) Act 1994, Schedule 16. Subsection (1B) was added by the Greater London Authority Act 1999 (c. 29), Schedule 3.

(26) Subsection (1) was amended, and subsection (1A) inserted, by the Local Government (Wales) Act 1994.

(27) Section 36(4) was amended by the Local Government Act 1985, Schedule 17, and the Local Government (Wales) Act 1994, Schedule 16. Subsections (3AB) and (3AC) were inserted by the Local Government (Wales) Act 1994 and the Local Government and Rating Act 1997 (c. 29), respectively.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modifications (if any)</i>
Section 39 (local elections void etc. in England and Wales)(28)	<p>In subsection (3AC), in paragraph (a), after “such a councillor,”, insert “or the election of an elected mayor of the council of a county in England in which there are no district councils”.</p> <p>In subsection (4), after “a London borough” insert “, or the election of an elected mayor of the council of such an area,”.</p> <p>In subsection (6), after “Wales”, insert “, or at an election of an elected mayor of the council of any such area,”.</p> <p>In subsection (2), after “other reason”, insert “a mayoral election or”.</p> <p>In subsection (5), in paragraph (a), after “section 36 above”, insert “ or, in the case of a mayoral election, regulations under section 44 of that Act,”.</p> <p>In subsection (6), in paragraph (a)—</p> <ul style="list-style-type: none"> (a) in sub-paragraph (i), after “section 36”, insert “or Part II of the 2000 Act (and the regulations under section 44)”; and (b) omit “, or, as the case may be, the district council, or Welsh county or county borough council,”.
Section 40 (timing as to local elections in England and Wales)(29)	<p>In subsection (1), after “the 1999 Act”, insert “or regulations under section 44 of the 2000 Act”.</p> <p>In subsection (2), after “the 1999 Act”, insert “and (in the case of a mayoral election) regulations under section 44 of the 2000 Act”.</p> <p>In subsection (3)—</p> <ul style="list-style-type: none"> (a) after “section 36 above”, insert “or regulations under section 44 of the 2000 Act”; and (b) after “such rules” (in both places) and “those rules”, insert “ or regulations (as the case may be)”.

(28) Subsection (1) was amended by the Local Government Act 1985, section 19(2) and Schedule 17. Subsection (2) was amended by the Greater London Authority Act 1999, Schedule 3. Subsection (6) was amended by the Local Government (Wales) Act 1994, Schedule 16 and the Greater London Authority Act 1999, Schedule 3.

(29) Subsection (1) was amended by the Representation of the People Act 1985 (c. 50), sections 16(2) and 19(1) and the Greater London Authority Act 1999, Schedule 3. Subsection (2) was amended by the Greater London Authority Act 1999, Schedule 3.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modifications (if any)</i>
Section 46 (further provision as to local election voting)(30)	Omit subsection (1).
Section 47 (loan of equipment for local elections)(31)	In subsection (2)— (a) omit paragraph (b); and (b) for “those Acts”, substitute “that Act or Part II of the 2000 Act”.
Section 48 (validity of local elections and legal costs)	In subsection (1), after “section 42 above”, insert “or regulations under section 44 of the 2000 Act”.
Section 50 (effect of misdescription)	In paragraph (c)— (a) after “this Part of this Act”, insert “(as applied for the purposes of mayoral elections), and regulations under section 44 of the 2000 Act.”; and (b) omit “and the parliamentary elections rules.”.
Section 52 (discharge of registration duties)(32)	In subsections (1) and (4), after “this Act”, insert “(including any such functions in relation to mayoral elections”.
Section 54 (payment of expenses of registration)(33)	In subsection (1)— (a) after “this Act”, insert “(including any such functions in relation to mayoral elections”); and (b) omit “(except in Northern Ireland)”.
Section 61 (other voting offences)(34)	Omit subsection (2) and paragraph (b) of subsections (3) and (4). In subsection (2), in paragraph (a)— (a) in sub-paragraph (ii), after “councillors”, insert “or a mayoral election”; and (b) in sub-paragraph (iii), after “ordinary election”, insert “or mayoral election”.
Section 67 (appointment of election agent)(35)	In subsection (2)— (a) after “this Act”, where it first appears, insert “or, in the case of a mayoral election, such of the provisions of this Act as are applied by regulations under section 44 of the 2000 Act.”; and

(30) Subsection (1) was amended by the Greater London Authority Act 1999, Schedule 3.

(31) Subsection (1) was amended by S.I. 1991/1728, regulation 4.

(32) Subsections (1) to (3) were amended, and subsection (4) substituted, by the Representation of the People Act 1985, Schedule 4, paragraph 12. Subsection (4) was amended by the Local Government (Wales) Act 1994, Schedule 16.

(33) Subsections (1) and (3) were amended by the Representation of the People Act 1985, Schedule 4, paragraph 14.

(34) Amended by the Representation of the People Act 1985, Schedules 2 and 5 and by the Greater London Authority Act 1999 (c. 29), Schedule 3, paragraphs 1 and 10.

(35) Subsection (4) was amended by the Representation of the People Act 1985, Schedule 4, paragraph 20. There are other amendments not relevant to these Regulations.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modifications (if any)</i>
Section 75 (no election expenses to be incurred by persons other than candidate, election agent or persons authorised by him)(36)	(b) after “this Act”, in the second place, insert “or, in the case of a mayoral election, any applicable provision of this Act,”. Omit subsections (1)(d), (1A), (4) and (7) In subsection (1ZA)(37), for “a candidate at a local government election”, substitute “a candidate at a mayoral election”.
Section 76 (limitation of election expenses)(38)	For subsection (2), substitute— “(2) That maximum amount is £2,000 together with an additional 5p for every entry in the register of electors to be used at the election.”
Section 76A (power to vary provisions about election expenses)(39)	
Section 85 (penalty for sitting and voting where no return and declarations transmitted)(40)	Omit subsection (2).
Section 85A (disqualification where no return and declarations transmitted after election of Mayor of London)(41)	In subsection (1)— (a) for “an election of the Mayor of London”, substitute “a mayoral election”; and (b) for “Mayor of London”, in the second place, substitute “elected mayor”.
Section 90D (modification of sections 90A to 90C in relation to election of London members of the London Assembly)(42)	Omit.
Section 93 (broadcasting during elections)	In subsection (2), in paragraph (b), after “section 36 above”, insert “ or regulations made under section 44 of the 2000 Act”.
Section 94 (imitation of poll cards)(43)	In subsection (2)— (a) after “section 36” insert “above, or regulations made under section 44 of the 2000 Act”; and (b) after “the rules”, insert “or, as the case may be, the regulations ”.

(36) Amended by the Greater London Authority Act 1999, Schedule 3, paragraph 19, and the Political Parties and Representation of the People Act 2000, section 131.

(37) Subsection (1ZA) was inserted by the Political Parties and Representation of the People Act 2000, section 131(3).

(38) Amended by the Political Parties and Representation of the People Act 2000, section 132.

(39) Substituted by the Political Parties and Representation of the People Act 2000, section 133.

(40) Subsection (1) was amended, and subsection (3) substituted, by the Representation of the People Act 1985, Schedule 4. Subsection (2A) was inserted by the Greater London Authority Act 1999, Schedule 3, paragraph 25.

(41) Inserted by the Greater London Authority Act 1999, Schedule 3, paragraph 26.

(42) Sections 90A to 90D were inserted by the Political Parties and Representation of the People Act 2000, section 134.

(43) Amended by the Representation of the People Act 1985, Schedule 4.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modifications (if any)</i>
Section 96 (schools and rooms for local election meetings)(44)	In subsection (1), after “section 36”, insert “above, or regulations made under section 44 of the 2000 Act”.
Section 97 (disturbances at election meetings)(45)	In subsection (2), in paragraph (b), after “section 36”, insert “above, or regulations made under section 44 of the 2000 Act”.
Section 99 (officials not to act for candidates)	In subsection (1), in paragraph (b), after “section 36”, insert “above, or regulations made under section 44 of the 2000 Act”.
Section 118A (meaning of candidate)(46)	In subsection (3), after “local government Act”, insert “or at an election for a mayor under the Local Government Act 2000”.
Section 173A (incapacity to hold public or judicial office in Scotland)(47)	
Section 203 (local government provisions as to England and Wales)(48)	<p>In subsection (1)—</p> <p>(a) after the definition of “the 1999 Act”, insert—</p> <p style="padding-left: 40px;">““the 2000 Act” means the Local Government Act 2000;”;</p> <p>(b) in the definition of “local government election”, at the end of paragraph (b), insert “or (c) any mayoral election;”;</p> <p>(c) after the definition of “London member”, insert—</p> <p style="padding-left: 40px;">““mayoral election” means the election of an elected mayor under Part II of the 2000 Act”.</p> <p>In subsection (2), in paragraph (b), after “Authority elections”, insert “or mayoral elections”.</p>

(44) Subsection (1) was amended by the Greater London Authority Act 1999, Schedule 3, paragraphs 1 and 29. Subsection (2) was amended by the Representation of the People Act 1985, Schedule 4. Subsection (4) was amended by the Police and Criminal Evidence Act 1984 (c. 60), Schedule 7.

(45) Subsection (2) was amended by the Representation of the People Act 1985, Schedule 4.

(46) Section 118A was inserted by the Political Parties and Representation of the People Act 2000, section 135(2).

(47) Section 173A (with section 173) was substituted by the Political Parties and Representation of the People Act 2000, section 136.

(48) Amended by the Greater London Authority Act 1999, Schedule 3, paragraphs 1 and 39.

TABLE 2

THE REPRESENTATION OF THE PEOPLE ACT 1985(49)

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Section 15 (combination of polls at parliamentary, European Parliamentary and local elections)	In subsection (1), at the end of paragraph (c), insert— “or, (d) a mayoral election and an election of one or more of the descriptions specified in paragraphs (a) to (c).” Omit subsection (5).

TABLE 3

THE REPRESENTATION OF THE PEOPLE ACT 2000(50)

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Schedule 4 (absent voting in Great Britain)	In paragraph 1, in sub-paragraph (1)— (a) in the definition of “the appropriate rules”, at the end of paragraph (b), insert “and (c) in the case of a mayoral election, the Mayoral Elections Rules, within the meaning of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2001”; (b) in the definition of “local government election”, at the end, insert “ and includes a mayoral election”; and (c) after that definition, insert the following definition— ““mayoral election” means an election under regulations under section 44 of the Local Government Act 2000;”.

TABLE 4

THE REPRESENTATION OF THE PEOPLE REGULATIONS 1986(51)

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
Regulation 97 (returning officers and polling stations)	Omit paragraph (1).

(49)
(50)
(51)

1985 c. 50.
2000 c. 2.
S.I. 1986/1081.

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
	<p>In paragraphs (2) and (3)—</p> <p>(a) after “government election”, in the first place, insert “or a mayoral election”; and</p> <p>(b) in sub-paragraphs (a) and (b), after “government election”, insert “ or, as the case may be, the mayoral election”.</p> <p>In paragraph (5)—</p> <p>(a) after “district council election”, in the first place, insert “ or a mayoral election for a district council”; and</p> <p>(b) in sub-paragraphs (a) and (b), after “district council election”, insert “or, as the case may be, the mayoral election”.</p>
Regulation 98 (functions at combined polls)	<p>In paragraph (1)—</p> <p>(a) at the end of sub-paragraph (c), insert “and”, and the following sub-paragraph—</p> <p style="padding-left: 40px;">“(d) at a mayoral election, by the rules in regulations made under section 44 of the Local Government Act 2000 which correspond to the rules specified in paragraph (2) below;”and</p> <p>(b) for “regulation 78 above” substitute “regulation 65 of the Representation of the People (England and Wales) Regulations 2001”.</p>

SCHEDULE 3

regulation 5

COMBINATION OF POLLS

Part I

Modifications to Regulations and Rules listed in regulation 5(2)

<i>(1)</i> <i>Provision</i>	<i>(2)</i> <i>Modification</i>
<i>The Representation of the People Regulations 1986 (S.I.1986/1081)</i>	
Regulation 100 (modification of parliamentary elections rules)	In paragraph (6), in the substituted paragraph (5) of rule 29, in the section headed “COUNCIL ELECTION”, the end insert— “*[vote once for your first choice and once for your second choice].”

(1) Provision <i>The Representation of the People Regulations 1986 (S.I.1986/1081)</i>	(2) Modification
	<p>In paragraph (21), in the substituted guidance—</p> <p>(a) in paragraph 2, for the second sentence, substitute— “*[Except in the mayoral election, mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of the candidate you are voting for.] *[In the mayoral election vote once for your first choice and once for your second choice.]”;</p> <p>(b) in paragraph 4, for the first sentence, substitute— “Vote only *[for the number of candidates] *[as] specified on each ballot paper.”; and</p> <p>(c) after paragraph 5, add— “*Delete as necessary”.</p>
<p><i>The Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214)</i></p> <p>In Schedule 4 (modifications to the Rules in Schedule 2 to apply where the poll at an election of councillors of a principal area is taken together with the poll at another election under section 15(1) or (2) of the Representation of the People Act 1985)</p>	<p>In paragraph 6, in the substituted paragraph (5) of rule 23, in the section headed “*[Specify name of council] COUNCIL ELECTION”, at the end insert— “*[vote once for your first choice and once for your second choice.]”.</p> <p>In paragraph 14(52), in the substituted paragraph (1A) of rule 37, after “(No. 2) Rules 2000”, insert “a mayoral election,”.</p>
	<p>In paragraph 21, in the form set out in subparagraph (2)—</p> <p>(a) in paragraph 2 of the instructions to the voter—</p> <p>(i) after the second sentence, insert— “*[At the mayoral election, vote once for your first choice and once for your second choice.]”; and</p> <p>(ii) omit the sentence in italics;</p> <p>(b) in paragraph 3, after “you are voting for.”, insert “*[At the mayoral election vote once for your first choice and once for your second choice.] ”; and</p> <p>(c) after paragraph 7, insert “*To be completed or deleted by the returning officer as the circumstances require.”.</p>

(52) Paragraph 14 was amended by S.I. 2000/427.

<i>(1)</i> <i>Provision</i> <i>The Representation of the People Regulations 1986 (S.I.1986/1081)</i>	<i>(2)</i> <i>Modification</i>
<i>The Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215)</i>	
In Schedule 4 (modifications to the Rules in Schedule 2 to apply where the poll at an election of parish or community councillors is taken together with the poll at another election under section 15(2) of the Representation of the People Act 1985)	In paragraph 5, in the substituted paragraph (5) of rule 23, in the section headed “*[Specify name of council] COUNCIL ELECTION”, at the end insert— “*[vote once for your first choice and once for your second choice.]”.
	In paragraph 20, in the form set out in subparagraph (2)— (a) in paragraph 2 of the instructions to the voter— (i) after the second sentence, insert— “*[At the mayoral election, vote once for your first choice and once for your second choice.]”; and (ii) omit the sentence in italics; (b) in paragraph 3, after “you are voting for.”, insert “*[At the mayoral election vote once for your first choice and once for your second choice.]”; and (c) after paragraph 7, insert “*To be completed or deleted by the returning officer as the circumstances require”.
<i>The European Parliamentary Elections Regulations 1999 (S.I. 1999/1214)</i>	
In Part I (England and Wales) of Schedule 2 (application with modifications of provisions of subordinate legislation)	Omit the entry for Form H in Schedule 2 to the Representation of the People Regulations 1986.
Schedule 3 (modification of European Parliamentary Elections Rules for combined polls)	In paragraph 6, in the substituted paragraph (5) of rule 29, in the section headed “COUNCIL ELECTION”, at the end insert— “*[vote once for your first choice and once for your second choice.]”
	In paragraph 22, in the substituted guidance— (a) in paragraph 2, for the second sentence, substitute— “At the *[parliamentary election] *[local government election] *[mayoral election] mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of the candidate you are voting for. *[At the mayoral election vote once for your second choice.]”;

<p>(1) Provision <i>The Representation of the People Regulations 1986 (S.I.1986/1081)</i></p>	<p>(2) Modification</p>
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- (b) in paragraph 4, for “only one”, substitute “no other”; and
- (c) after paragraph 5, add—
“*Delete as necessary”.

After paragraph 23, add—

“**24.** The form of declaration of identity shall be that set out in Form H referred to in regulation 66(a) of the Representation of the People (England and Wales) Regulations 2001, subject to the following modifications on the back of the form—

- (a) in paragraph 2—
 - (i) in the first sentence, before “candidate”, insert “party or individual ”; and
 - (ii) after the second sentence, insert “*[At the mayoral election, vote once for your first choice and once for your second choice.]”;
- (b) in paragraph 3—
 - (i) for “on the right hand side of the ballot paper opposite the name of the”, substitute “in the column of the party or individual”; and
 - (ii) after “you are voting for.”, insert “*[At the mayoral election vote once for your first choice and once for your second choice.]””.

The Greater London Authority Elections (No. 2) Rules 2000 (S.I. 2000/427)

Rule 4 (forms)

Number the existing rule as “(1)”, and add the following paragraph—

“(2) Where the poll at a GLA election is taken together with the poll at an election under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002, Forms 8 and 9 in Schedule 5 may be adapted as the circumstances require.”.

<i>(1)</i> <i>Provision</i> <i>The Representation of the People Regulations 1986 (S.I.1986/1081)</i>	<i>(2)</i> <i>Modification</i>
Rule 8 (combination of polls)	In paragraph (2), after “London borough”, insert “or at an election under the Local Authorities (Mayoral Elections) (England and Wales) (Regulations 2002,”.
In Schedule 8 (modifications to apply where the poll at GLA election is taken together with the poll at another election under section 15(1) or (2) of the Representation of the People Act 1985)	After paragraph 1, insert the following paragraph— “2. For the purposes of rule 8(2) of the Greater London Authority Elections (No. 2) Rules 2000, references to a London borough election in the modifications set out in column (2) of the Table below shall be treated as including references to an election under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002; and the provisions so modified shall have effect accordingly.”.
<i>The Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341)</i>	
Regulation 66 (form of declaration of identity), in so far as it applies to Form H, and, in Schedule 3, Form H.	In Form H— (a) in paragraph 2 of the instructions to the voter, after the second sentence, insert— “*[At the mayoral election, vote once for your first choice and once for your second choice.]”; (b) in paragraph 3, after “you are voting for.”, insert “*[At the mayoral election vote once for your first choice and once for your second choice.]”
<i>The Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298)</i>	
Regulation 14 (combination of polls: general)	In paragraph (2), after sub-paragraph (h), insert— “(i) an election of an elected mayor”.
Regulation 15 (combination of referendum and election polls: supplementary provisions relating to referendums)	In paragraph (4), after “Principal Areas Rules”, insert “or, as the case may be, the Mayoral Elections Rules,”.
Regulation 16 (combination of referendum and election polls: supplementary provisions relating to elections)	In paragraph (6), at the end, add “; or, where the poll at the referendum is combined with the poll at an election of an elected mayor, as further modified by the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002.”

<i>(1)</i> <i>Provision</i> <i>The Representation of the People Regulations 1986 (S.I.1986/1081)</i>	<i>(2)</i> <i>Modification</i>
Part V (combined polls at referendums: modifications of the Rules in Schedule 2 to the Principal Areas Rules, as modified by Schedule 4 to those Rules) of Schedule 5	<p>In the entry in column (2) relevant to the entry in column (1) for the form of declaration of identity for use where postal ballots are taken together, in paragraph (a)(i) of the modifications relevant to the back of the form, after “once only.”, insert— “*[At the mayoral election, vote once for your first choice and once for your second choice.]”.</p> <p>In the entry in column (2) in which is substituted the form of directions for the guidance of the voters in voting—</p> <p>(a) in paragraph 2 of that substituted guidance—</p> <p style="padding-left: 20px;">(i) for “Mark” substitute “*[Except at the mayoral election, mark”;</p> <p style="padding-left: 20px;">(ii) for “election.”, substitute “election.]”; and</p> <p style="padding-left: 20px;">(iii) at the end, add— “*[At the mayoral election, vote once for your first choice and once for your second choice.]”; and</p> <p>(b) after paragraph 5, add— “*To be completed or deleted by the returning officer as the circumstances require.”.</p>

Part II

Modifications to the Mayoral Elections Rules

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification (see also regulation 5(3) and (4))</i>
3 (timetable)	For “8 in the morning and 9” substitute “7 in the morning and 10”.
19 (notice of poll)	<p>Add at the end—</p> <p>“(4) The notice published under paragraph (3) shall—</p> <p style="padding-left: 20px;">(a) state that the poll at the mayoral election is to be taken together with the poll at a parliamentary election, a European Parliamentary election, a local authority election,</p>

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification (see also regulation 5(3) and (4))</i>
23 (issue of official poll cards)	a referendum, or another mayoral election, as the case may be; (b) specify the constituency, electoral division, ward or voting area, as the case may be, for which the other election or referendum is held; and (c) where the polls are to be taken together in part of a constituency, division, ward or voting area only, specify that part.” Add at the end— “(5) An official poll card issued under this rule may be combined with the official poll card issued at the other election, or, as the case may be, the referendum.”
24 (equipment of polling stations)	For paragraph (5) substitute— “(5) In every compartment of every polling station there shall be exhibited notices in the appropriate forms, which shall be printed on paper of the same colour as that of the ballot papers for use at the election or referendum to which the notice in question relates.”
25 (appointment of polling and counting agents)	At the end of paragraph (6) add— “Notices of the appointment of polling agents which are required by this paragraph and paragraphs (7) and (8) to be given to the returning officer shall be given to the returning officer who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986”(53)
32 (voting procedure)	At the end add— “(4) The same copy of the register of electors may be used under paragraph (1) for each election or, as the case may be, the mayoral election and the referendum, and one mark may be placed in that register under paragraph (1)(d) to denote that a ballot paper has been received in respect of both the mayoral election and, as the case may be, the other election or the referendum; except that, where a ballot paper has been issued in respect of the mayoral election or, as the case may be, the other election or the referendum.”

(53) S.I. 1986/1081.

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification (see also regulation 5(3) and (4))</i>
33 (votes marked by presiding officer)	At the end of paragraph (2) add— “The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each poll, unless the list identifies the poll at which the ballot paper was so marked.”
34 (voting by persons with disabilities)	At the end of paragraph (4) add— “The same list may be used for both polls and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each poll, unless the list identifies the poll at which the vote was so given.”
35 (tendered ballot papers)	At the end of paragraph (3) add— “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”
37 (adjournment of poll in case of riot)	At the end of paragraph (1) insert— “who discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986”
38 (procedure on close of poll)	After paragraph (1) insert— “(1A) The contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under the corresponding rule that applies at a parliamentary, European Parliamentary, county, county borough, district, London borough or GLA election, or at a referendum, as the case may be; nor shall the statement prepared under paragraph (3) be so combined.”
39 (attendance at the first count)	For paragraph (1) substitute— “(1) Where the returning officer discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986, he shall make arrangements for discharging the functions referred to in rule 40 (as modified in accordance with Part II of Schedule 3 to the Mayoral Elections (England and Wales) Regulations 2002 in the presence of the counting agents appointed for the purposes of the mayoral election as soon as practicable after the close of

<p>(1) Rule</p>	<p>(2) Modification (see also regulation 5(3) and (4))</p>
	<p>the poll and for thereafter counting the votes at that election in the presence of those agents; and he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under that rule (as so modified).</p> <p>(1A) Where the returning officer does not discharge the functions first mentioned in paragraph 91), he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the person who does discharge those functions; and he shall give to those counting agents notice in writing of the time and place at which he will begin to count the votes.”.</p> <p>In paragraph (2), before at the counting of the votes insert at the proceedings under rule 39(1) or.</p> <p>In paragraph (3)—</p> <p>(a) before “counting of the votes” in the first place where they occur, insert “proceedings under rule 39(1) or the”; and</p> <p>(b) before “the efficient” insert “the efficient separation and verification of the ballot papers or, as the case may be,”.</p>
<p>41 (the first count)</p>	<p>For paragraphs (1) and (2) substitute—</p> <p>“(1) Where the returning officer at the mayoral election discharges the functions specified in regulation 98 of the Representation of the People Regulations 1986, he shall—</p> <p>(a) in the presence of the counting agents appointed for the purposes of the mayoral election open each ballot box and record separately the number of ballot papers used in each election;</p> <p>(b) in the presence of the election agents appointed for the purposes of the mayoral election verify each ballot paper account;</p> <p>(c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;</p>

<p>(1) Rule</p>	<p>(2) <i>Modification (see also regulation 5(3) and (4))</i></p>
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(d) separate the ballot papers relating to the mayoral election from the ballot papers relating to the parliamentary election, the European Parliamentary election or, as the case may be, the London borough election;

(e) make up into packets the ballot papers for each election other than the mayoral 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 election to which the ballot papers relate—

- (i) those containers, together with a list of them and of the contents of each; and
- (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and

(g) at the same time deliver to that officer packets that so relate containing—

- (i) the unused and spoilt ballot papers,
- (ii) the tendered ballot papers, and
- (iii) the counterfoils of the used ballot papers and the certificate as to employment on duty on the day of the poll.

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

(2A) Where the returning officer at the mayoral election does not discharge the functions specified in regulation 98 of the Representation of the People Regulations 1986, he shall—

- (a) on receipt of those containers from the returning officer who does discharge those functions, and after

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification (see also regulation 5(3) and (4))</i>
	<p>the time specified in the notice given under rule 38(1A) (as substituted by Schedule 4 to the Local Elections (Principal Areas) Rules 1986) open each container;</p> <p>(b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under regulation 65 of the Representation of the People (England and Wales) Regulations 2001, count such of the postal ballot papers as have been duly returned and record the number counted; and</p> <p>(c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.</p>
50 (delivery and retention of documents)	<p>(2B) Paragraph (6) does not apply to proceedings under paragraph (1) or (2).”</p>
	<p>Add at the end of paragraph (1)— “At an election where the returning officer does not discharge the functions referred to in regulation 98 of the Representation of the People Regulations 1986, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted.”</p>
53 (countermand or abandonment of poll on death of candidate)	<p>At the end of paragraph (1) add— “Provided that neither the countermand of the poll at the mayoral election nor the direction that the poll be abandoned shall affect the poll at the parliamentary, European Parliamentary, local authority or GLA election or, as the case may be, the referendum.”</p>
	<p>For paragraph (2) substitute— “(2) Where the poll at the mayoral election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the parliamentary, European Parliamentary, local authority or GLA election or, as the case may be, the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of papers and other documents as he would be required</p>

(1) Rule	(2) Modification (see also regulation 5(3) and (4))
	<p>to do if the poll at the mayoral election had not been abandoned, and the returning officer shall dispose of ballot papers used at the election (at which a candidate has died) as he is required to do on the completion in due course of the counting of the votes, but—</p> <ul style="list-style-type: none"> (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified; and (b) the returning officer, having separated the ballot papers relating to the parliamentary, European Parliamentary, local authority or GLA election or, as the case may be, the referendum, shall take no step or further step for the counting of the ballot papers used at the mayoral election (at which a candidate has died) or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”

SCHEDULE 4

regulation 7

FREE DELIVERY OF ELECTION ADDRESSES

1. In this Schedule—

- “candidate” means a person who stands nominated as a candidate at the election;
- “election” means an election for the return of an elected mayor;
- “election address” shall be construed in accordance with paragraph 2;
- “elector”, in relation to an election, means a person entitled, in accordance with section 43(1) of the 2000 Act, to vote at that election;
- “election booklet” shall be construed in accordance with paragraph 5;
- “print” means print by whatever means (and “printer” shall be construed accordingly); and
- “registered political party” means a party which was registered under Part II (registration of political parties) of the PPER Act at the time by which the notice of election is required to be published.

2. For the purposes of regulation 7 and this Schedule, an election address, in relation to a candidate, is a statement prepared by the candidate’s election agent which complies with the provisions of paragraphs 3 and 4.

- 3.—(1) An election address must contain matter relating to the election only.
- (2) In particular, an election address must not contain—
- (a) any advertising material (other than material promoting the candidate as a candidate at the election);
 - (b) any other material appearing to be included with a view to commercial gain; or
 - (c) any material referring to any other candidate.
- (3) An election address may include representations of the registered emblem, or (as the case may be) one of the registered emblems of a registered political party if the address is prepared on behalf of an authorised party candidate.
- (4) In sub-paragraph (3) “authorised party candidate”, in relation to a registered political party, means a candidate who has been authorised to use the emblem in question by a certificate—
- (a) issued by or on behalf of the registered nominating officer of the party, and
 - (b) received by the returning officer before the last time for the delivery of nomination papers for the election.
- (5) An election address must—
- (a) contain a statement to the effect that it has been prepared by the candidate’s election agent;
 - (b) give the name and address of the election agent; and
 - (c) give the name and address of the candidate on whose behalf it has been prepared.
- 4.—(1) Subject to any requirements imposed by or under this paragraph, the format of a candidate’s election address may be determined by the candidate (and, in particular, may consist of a combination of words, pictures and artwork).
- (2) An election address must be printed on not more than two sides of A5 paper; but if such an address is printed on two sides of such paper—
- (a) it must, when submitted to the returning officer for inclusion in the election booklet, be accompanied by a second version printed on a single side of such paper; and
 - (b) if the total number of candidates from whom election addresses have been accepted by the returning officer by the last time for delivery of nomination papers for the election exceeds 15, the version to be included in the election booklet shall be the second version.
- (3) An election address must—
- (a) comply with such requirements as to typographical layout, margins and the use of colour as the returning officer may determine; and
 - (b) comply with such other requirements as he may determine with a view to facilitating its reproduction as a page or pages of the election booklet.
- (4) An election address must, when submitted to the returning officer for inclusion in the election booklet, be accompanied—
- (a) where the address is to contain a photograph of the candidate, by two identical copies of the photograph, of which one is signed on the back by the candidate; and
 - (b) in any case, by such copies of anything contained in the address as the returning officer may reasonably require in connection with the reproduction of the address.
- 5.—(1) For the purposes of this Schedule the election booklet is a document prepared by the returning officer which contains the election addresses of all candidates who—
- (a) desire their election addresses to be included in the booklet, and
 - (b) have submitted—

- (i) those addresses, and
 - (ii) any additional material required under paragraph 4(4),
- to the returning officer by such date as he may determine.

(2) If—

- (a) it appears to the returning officer that any of the requirements of paragraphs 3(3) to (5) and 4 has not been complied with in relation to an election address, or
- (b) a candidate fails to make the payment required by paragraph 8 in respect of an election address,

the returning officer shall decline to include the address in the election booklet.

6.—(1) The order in which the candidates' election addresses appear in the election booklet shall be determined by lot drawn by the returning officer as soon as reasonably practicable after the date determined in accordance with paragraph 5(1)(b).

(2) The election booklet may include, in addition to candidates' election addresses, a statement by the returning officer—

- (a) explaining the nature and purpose of the election booklet;
- (b) listing, in alphabetical order, the names of all the candidates at the election (whether or not their election addresses are included in the booklet); and
- (c) giving the date of the election and such other information about it as the returning officer may determine.

(3) The election booklet must—

- (a) contain a statement that it has been published by the returning officer; and
- (b) give the name and address of the returning officer and those of the printer of the booklet.

(4) Subject to paragraphs (1) to (3), the form of the election booklet shall be determined by the returning officer.

(5) The election agent of each candidate whose election address has been accepted by the returning officer for inclusion in the booklet shall be given an opportunity to attend at a time and place notified to him by the returning officer in order to check, and submit to the returning officer typographical corrections to, the proof of the candidate's address.

(6) If the election agent of any such candidate fails to avail himself of that opportunity, the returning officer may—

- (a) make such typographical corrections to the proof as appear to him to be appropriate; and
- (b) proceed with the printing and distribution of the election booklet without further reference to the candidate or his election agent (and without incurring any liability for any errors in the candidate's address).

(7) No person other than—

- (a) the candidate on whose behalf an election address included in the election booklet was prepared, or
- (b) the candidate's election agent,

shall incur any civil or criminal liability in respect of the publication of that address in the election booklet or its dissemination in accordance with paragraph 7.

7.—(1) Copies of the election booklet shall be delivered by the returning officer, in envelopes addressed to individual electors, at such time and by such means as the returning officer may determine.

(2) The returning officer may disseminate the contents of the election booklet by such other means as he may determine.

8.—(1) Each candidate by whom an election address is submitted to the returning officer for inclusion in the election booklet shall pay to the returning officer such reasonable sum (which shall be the same for each such candidate) as the returning officer may determine by way of contribution towards the expenses incurred by him in respect of the printing of the election booklet.

(2) The payment required by sub-paragraph (1) shall be made at such time, and in such manner, as the returning officer may determine.

(3) A candidate shall be entitled to a full refund of any such payment if, but only if, the candidate has given notice of withdrawal of his candidature before the last time for the withdrawal of candidates.

(4) If the total amount of the payments made by candidates under this paragraph exceeds the total amount of the expenses incurred by the returning officer in respect of the printing of the election booklet, the returning officer shall—

- (a) divide the amount of the excess between those candidates in equal shares, and
- (b) send to each of those candidates a payment in respect of his share.

9.—(1) The amount of any payment made by a candidate under paragraph 8 (or, if sub-paragraph (4) of that paragraph applies, the net amount of any such payment after deducting the payment under that sub-paragraph) shall be taken, for the purposes of Part II (the election campaign), of the 1983 Act (as modified for the purposes of mayoral elections by regulation 3(2) of, and Table 1 of Schedule 2 to, these Regulations), to be an amount of election expenses incurred by the candidate in relation to the election.

(2) Nothing in section 75(1) (restriction on third party election expenditure) of the 1983 Act (as modified as mentioned in paragraph (1)) shall be taken to apply, in relation to any candidate, to any expenses incurred by the returning officer in consequence of the relevant provisions.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England and Wales, contain, in Schedule 1, the Mayoral Elections Rules that apply in relation to elections under the Local Government Act 2000 (“the 2000 Act”) of elected mayors of county, district and London borough councils (England) and county and county borough councils (Wales).

The Rules are similar to those that apply in relation to the election of councillors at local authority elections. However, each candidate’s nomination paper must be subscribed by 30 electors, and a deposit of £500 must be paid. If there are three or more mayoral candidates, the elected mayor will be returned under the supplementary vote system, for which provision is made in section 42(3) of, and Schedule 2 to, the 2000 Act. (The supplementary vote system is also used for the election of the Mayor of London under the Greater London Authority Act 1999 where there are three or more candidates.)

Provisions of Acts and Regulations relating to local authority elections are applied, by regulation 3(2), to mayoral elections, subject to the modifications listed in Tables 1 to 4 of Schedule 2 to these Regulations. The modifications include, in Table 1 of that Schedule, provision limiting election expenses.

Regulation 4 makes provision in relation to the forms to be used at mayoral elections.

Regulation 5 provides for the combination of polls. Part I of Schedule 3 sets out modifications to—

regulation 100 of the Representation of the People Regulations 1986, which modifies the Parliamentary Elections Rules (contained in Schedule 1 to the Representation of the People Act 1983),

the Local Elections (Principal Areas) Rules 1986,

the Local Elections (Parishes and Communities) Rules 1986,

the European Parliamentary Elections Regulations 1999 (including the European Parliamentary Elections Rules),

the Greater London Authority Elections (No. 2) Rules 2000,

the Representation of the People (England and Wales) Regulations 2001, and

the Local Authorities (Conduct of Referendums) (England) Regulations 2001.

Part II of Schedule 3 sets out modifications to the Mayoral Elections Rules (the Rules in Schedule 1 to the Regulations).

The modifications have effect—

- (a) where a mayoral election is combined with a parliamentary, European Parliamentary, Greater London Authority or other local government election, or another mayoral election, or
- (b) where the election of a mayor for a county is combined with a referendum for a county borough (Wales) or a district (England) as to whether the council for that area should be run in a way which includes a mayor, or includes a councillor elected by the other councillors, to lead the council and the community which it serves.

As indicated in regulation 5, the first modification in Part II of Schedule 3 (which relates to the hours of polling) applies only where the poll at the mayoral election is taken together with the poll at a parliamentary or European Parliamentary election.

Regulation 6 provides for mayoral elections to be questioned using the same procedures (in Part III of the Representation of the People Act 1983) that apply to the questioning of local authority elections.

Regulation 7 and Schedule 4 provide for the free delivery of election addresses. The provisions are generally comparable to those that apply at Greater London Authority elections. Candidates at mayoral elections who wish to have their election addresses included in the election booklet prepared and distributed by the returning officer are required to pay a contribution of such reasonable amount as the returning officer may determine towards the expenses incurred by the returning officer in printing the election booklet.

Regulation 8 makes a consequential amendment to the Local Elections (Principal Areas) Rules 1986.

It is intended that provisions relating to the combination of polls at a mayoral election and an election of members of the National Assembly for Wales should be contained in a future statutory instrument.