

## SCHEDULES

### SCHEDULE 2

Article 11

#### Absent voting in PCC elections

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## PART 1

### Manner of voting at PCC election and entitlement to absent vote

#### Manner of voting at PCC elections

1.—(1) This paragraph applies to determine the manner of voting of a person (“P”) entitled to vote as an elector at a PCC election.

(2) P may vote in person at the polling station to which he or she is allotted under the PCC elections rules, unless P is entitled as an elector to vote by post or by proxy at the PCC election.

(3) P may vote by post if P is entitled as an elector to vote by post at the PCC election.

(4) If P is entitled to vote by proxy at the PCC election, P may so vote unless, before a ballot paper has been issued for P to vote by proxy, P applies at the polling station to which he or she is allotted under the PCC elections rules for a ballot paper for the purpose of voting in person, in which case P may vote in person there.

(5) If—

(a) P is not entitled to vote by post or by proxy at a PCC election, but

(b) P cannot reasonably be expected to go in person to the polling station to which P is allotted under the PCC elections rules by reason of the particular circumstances of P’s employment, either as a constable or by a local returning officer, on the date of the poll for a purpose connected with the PCC election,

P may vote in person at any polling station in the same voting area as the allotted polling station.

(6) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether the person is registered by virtue of that provision or not; and such a person may vote—

(a) in person (where the person is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission), or

(b) by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the PCC election).

(7) Nothing in the preceding provisions of this paragraph applies to a person to whom section 7A of the 1983 Act (persons remanded in custody) applies, whether the person is registered by virtue of that provision or not; and such a person may vote only by post or by proxy (where the person is entitled to vote by post or, as the case may be, by proxy in the PCC election).

(8) Sub-paragraph (2) does not prevent a person, at the polling station to which he or she is allotted, marking a tendered ballot paper in pursuance of rule 40 of the PCC elections rules (votes marked by presiding officer).

### **Entitlement to absent vote at PCC elections**

2.—(1) A person entitled to vote in a PCC election is entitled to vote by post or by proxy if sub-paragraph (2) or (3) (as the case may be) applies to the person.

(2) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 4(2) as entitled to vote by post in a PCC election.

(3) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 4(3) as entitled to vote by proxy in a PCC election.

### **Application to vote by post or proxy at a particular PCC election**

3.—(1) Where a person applies to the registration officer to vote by post at a particular PCC election, the officer must grant the application if—

- (a) the officer is satisfied that the applicant is or will be registered in the register of electors, and
- (b) the application contains the applicant's signature and date of birth and meets the requirements set out in Part 2 of this Schedule.

(2) Where a person applies to the registration officer to vote by proxy at a particular PCC election, the officer must grant the application if—

- (a) the officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station to which the applicant is, or is likely to be, allotted under the PCC elections rules,
- (b) the officer is satisfied that the applicant is or will be registered in the register of electors, and
- (c) the application contains the applicant's signature and date of birth and meets the requirements set out in Part 2 of this Schedule.

(3) Where a person who has an anonymous entry in the register applies to the registration officer to vote by proxy at a particular PCC election, the registration officer must grant the application if it meets the requirements set out in Part 2 of this Schedule.

(4) Nothing in sub-paragraph (1), (2) or (3) applies to—

- (a) a person who is included in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 (absent vote at parliamentary or local government elections for definite or indefinite period)(1), or
- (b) a person who is included in the record kept under paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004 (absent vote at European Parliamentary elections for definite or indefinite period)(2).

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(1) Schedule 4 to the Representation of the People Act 2000 (c.2) also has effect in relation to mayoral elections in England and Wales by virtue of Schedule 2 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024). It also has effect in relation to referendums in England by virtue of Schedule 4 to the Local Authorities (Conduct of Referendums) (England) Regulations 2012 (S.I. 2012/323) and Schedule 4 to the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444).

(2) S.I. 2004/293.

(5) But if a person is included in a record mentioned in sub-paragraph (4) and is shown in the record as voting by post, the person may, in respect of a particular PCC election, apply to the registration officer—

- (a) for his or her ballot paper to be sent to a different address from that shown in the record, or
- (b) to vote by proxy.

(6) The registration officer must grant an application under sub-paragraph (5) if—

- (a) in the case of any application, it meets the requirements set out in Part 2 of this Schedule, and
- (b) in the case of an application to vote by proxy, the officer is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the polling station to which the applicant is, or is likely to be allotted, under the PCC elections rules.

(7) The registration officer may dispense with the requirement under sub-paragraph (1)(b) or (2)

(c) for the applicant to provide a signature if the officer is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has, or
- (b) to provide a signature because the applicant is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(8) The registration officer must keep a record of those whose applications under this paragraph have been granted showing—

- (a) their dates of birth, and
- (b) except in cases where the registration officer in pursuance of sub-paragraph (7) has dispensed with the requirement to provide a signature, their signatures.

(9) The record kept under sub-paragraph (8) must be retained by the registration officer for the period specified in paragraph 26 of this Schedule (the personal identifiers record).

### **Absent voter lists**

4.—(1) The registration officer must, in respect of each PCC election, keep the two special lists mentioned in sub-paragraphs (2) and (3).

(2) The first of those lists (“the postal voters list”) is a list of—

- (a) the persons who are for the time being shown as voting by post in the record referred to in paragraph 3(4)(a) or (b), together with (in each case) the addresses provided in their applications under, as the case may be—

- (i) paragraph 3 of Schedule 4 to the Representation of the People Act 2000,
  - (ii) paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004, or
  - (iii) paragraph 3(5)(a) of this Schedule,

as the address to which their ballot papers are to be sent;

- (b) the persons whose application under paragraph 3(1) of this Schedule to vote by post at the PCC election have been granted, together with the addresses provided in their applications as the address to which their ballot papers are to be sent.

(3) The second list (“the list of proxies”) is a list of—

- (a) the persons who are for the time being shown as voting by proxy in the record referred to in paragraph 3(4)(a) or (b), together with (in each case) the names and addresses of the proxies appointed under, as the case may be—

- (i) paragraph 6 of Schedule 4 to the Representation of the People Act 2000,
- (ii) paragraph 6 of Schedule 2 to the European Parliamentary Elections Regulations 2004;
- (b) the persons whose application under paragraph 3(2), (3) or (5)(b) of this Schedule to vote by proxy at the PCC election have been granted, together with (in each case) the names and addresses of the proxy appointed under paragraph 5 of this Schedule.
- (4) In the case of a person who has an anonymous entry in the register of electors, the postal voters list or list of proxies (as the case may be) must contain only—
  - (a) the person's electoral number, and
  - (b) the period for which the anonymous entry has effect.
- (5) The registration officer must, forthwith on completion of the compilation of those special lists, supply to the local returning officer for any voting area wholly or partly comprised in the area for which the registration officer acts so much of those lists as relate to that voting area.

#### **Proxies at PCC elections: appointment**

- 5.—**(1) Subject to the following provisions of this paragraph, any person is capable of being appointed proxy to vote for another (“the elector”) at a PCC election.
- (2) The elector cannot have more than one person at a time appointed as proxy to vote for the elector at a PCC election in the same police area.
- (3) A person is capable of being appointed to vote as proxy at a PCC election only if—
- (a) the person is not subject to any legal incapacity (age apart) to vote at that election as an elector, and
  - (b) the person is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union.
- (4) The registration officer must make the appointment if the application meets the requirements set out in Part 2 of this Schedule and the registration officer is satisfied that—
- (a) the elector is or will be—
    - (i) registered in the register of electors, and
    - (ii) entitled to vote by proxy at that election by virtue of an application under paragraph 3(2), (3) or (5)(b) (proxy vote at particular PCC election), and
  - (b) the proxy is capable of being, and willing to be, appointed.
- (5) The appointment of a proxy under this paragraph must be made by means of a proxy paper issued by the registration officer in Form 1 set out in Part 4 of this Schedule or a proxy paper to the like effect.
- (6) The appointment may be cancelled by the elector by giving notice to the registration officer.
- (7) The appointment also ceases to be in force on the issue of a proxy paper appointing a different person to vote for the elector at a PCC election in the same police area.
- (8) Subject to sub-paragraphs (6) and (7), the appointment remains in force for the particular election to which it relates.

#### **Proxies at PCC elections: entitlement to vote**

- 6.—**(1) Subject to the following provisions of this paragraph, where a relevant proxy appointment is in force, the person appointed is entitled to vote as proxy for the person for whom the appointment was made (“the elector”).

- (2) In sub-paragraph (1) “relevant proxy appointment” means—
- (a) in relation to an elector who is included in the list of proxies by virtue of paragraph 4(3)(a)(i), an appointment under paragraph 6 of Schedule 4 to the Representation of the People Act 2000;
  - (b) in relation to an elector who is included in the list of proxies by virtue of paragraph 4(3)(a)(ii), an appointment under paragraph 6 of Schedule 2 to the European Parliamentary Elections Regulations 2004;
  - (c) in relation to an elector who is included in the list of proxies by virtue of paragraph 4(3)(b), an appointment under paragraph 5 of this Schedule.
- (3) A person is capable of voting as proxy at a PCC election only if—
- (a) the person is not subject to any legal incapacity (age apart) to vote at that election as an elector, and
  - (b) the person is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union.
- (4) A person is not capable of voting as proxy at a PCC election unless on the date of the poll he or she has attained the age of eighteen.
- (5) A person is not entitled to vote as proxy at the same ordinary PCC election in any police area on behalf of more than two others of whom that person is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

### **Voting as proxy**

- 7.—(1) A person entitled to vote as proxy for another (“the elector”) at a PCC election may do so in person at the polling station to which the elector is allotted under the PCC elections rules unless the person is entitled to vote by post as proxy for the elector at the election, in which case the person may vote by post.
- (2) Where a person is entitled to vote by post as proxy for an elector at a PCC election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.
- (3) A person entitled to vote as proxy for an elector at a PCC election is entitled so to vote by post if the person is included in the list kept under sub-paragraph (7) in respect of the election.
- (4) Where a person applies to the registration officer to vote by post as proxy at a particular PCC election, the registration officer must grant the application if the conditions set out in sub-paragraph (5) are satisfied.
- (5) Those conditions are—
- (a) that the registration officer is satisfied that the elector is or will be registered in the register of electors, and
  - (b) that the applicant is the subject of a relevant proxy appointment within the meaning of paragraph 6(2)(c), and
  - (c) that the application contains the applicant’s signature and date of birth and meets the requirements set out in Part 2 of this Schedule.
- (6) In the case of a particular PCC election, a person who is the subject of a relevant proxy appointment within the meaning of paragraph 6(2)(a) or (b) and who—
- (a) is included in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 (record of proxies who have applied to vote by post), or
  - (b) is included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections 2004 (record of proxies who have applied to vote by post),

may apply to the registration officer for his or her ballot paper for the PCC election to be sent to a different address from that shown in the record, and the officer must grant the application if it meets the requirements set out in Part 2 of this Schedule.

(7) The registration officer must, in respect of each PCC election, keep a special list (“the proxy postal voters list”) of—

(a) the proxies who—

- (i) were appointed as mentioned in paragraph 4(3)(a)(i), and
- (ii) are for the time being included in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 (record of proxies who have applied to vote by post),

together with the addresses provided in their applications under paragraph 7(4)(a) or (7) of that Schedule or under sub-paragraph (6) (as the case may be) as the addresses to which their ballot papers are to be sent;

(b) the proxies who—

- (i) were appointed as mentioned in paragraph 4(3)(a)(ii), and
- (ii) are for the time being included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004 (record of proxies who have applied to vote by post),

together with the addresses provided in their applications under paragraph 7(4)(a) or (7) of that Schedule or under sub-paragraph (6) (as the case may be) as the addresses to which their ballot papers are to be sent;

(c) the proxies—

- (i) who were appointed as mentioned in paragraph 4(3)(b), and
- (ii) whose applications under sub-paragraph (4) have been granted,

together with the addresses provided in their application under sub-paragraph (4) as the addresses to which their ballot papers are to be sent.

(8) In the case of a person who has an anonymous entry in the register of electors, the special list mentioned in sub-paragraph (7) must contain only—

- (a) the person’s electoral number, and
- (b) the period for which the anonymous entry has effect.

(9) The registration officer must, forthwith on the completion of the compilation of that special list, supply to the local returning officer for any voting area wholly or partly comprised in the area for which the registration officer acts so much of that list as relates to that voting area.

(10) Sub-paragraph (2) does not prevent a person, at the polling station to which the person is allotted, marking a tendered ballot paper in the circumstances set out in case 3, 4, 5 or 6 of rule 42 of the PCC elections rules, if the person would otherwise be able to do so.

(11) The registration officer may dispense with the requirement under sub-paragraph (5)(c) for the applicant to provide a signature if the officer is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has, or
- (b) to provide a signature because the applicant is unable to read or write, or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(12) The registration officer must also keep a record in relation to those whose applications under sub-paragraph (4), have been granted showing—

- (a) their dates of birth, and



- (b) except in cases where the registration officer in pursuance of sub-paragraph (11) has dispensed with the requirement to provide a signature, their signatures.

(13) The record kept under sub-paragraph (12) must be retained by the registration officer for the period specified in paragraph 26 of this Schedule (the personal identifiers record).

#### **Use of personal identifier information**

8.—(1) The registration officer must either—

- (a) provide the local returning officer for a PCC election with a copy of the information in relation to electors entitled to vote at the election which is contained in records kept by the registration officer in pursuance of—
  - (i) paragraphs 3(9), 4(6) and 7(12) of Schedule 4 to the Representation of the People Act 2000 (dates of birth and signatures of certain electors and proxies),
  - (ii) paragraphs 3(9), 4(7) and 7(13) of Schedule 2 to the European Parliamentary Elections Regulations 2004 (dates of birth and signatures of certain electors and proxies),
  - (iii) paragraphs 3(8) and 7(12) of this Schedule, or
- (b) give the local returning officer access to such information.

(2) Information contained in records kept by a registration officer in pursuance of paragraph 3(8) or 7(12) may be disclosed by the registration officer (subject to the conditions prescribed in Part 2 of this Schedule) to—

- (a) any other registration officer if the officer thinks that to do so will assist the other registration officer in the performance of his or her duties;
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under this Order or the Representation of the People Acts.

#### **Offences as to declarations or forms used for purposes of postal and proxy vote applications**

9. A person who—

- (a) in any declaration or form used for any of the purposes of this Part of this Schedule makes a statement knowing it to be false, or
- (b) attests an application under paragraph 3 knowing—
  - (i) that he or she is not authorised to do so, or
  - (ii) that it contains a statement which is false,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### **Other offences as to postal and proxy vote applications**

10.—(1) A person (“P”) commits an offence if P—

- (a) engages in an act specified in sub-paragraph (2) at a PCC election, and
- (b) intends, by doing so, to deprive another of an opportunity to vote or to make for P or another a gain of a vote to which P or the other is not otherwise entitled or a gain of money or property.

(2) These are the acts—

- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);

- (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
- (c) inducing the registration officer or local returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
- (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (3) In sub-paragraph (1)(b) property includes any description of property.
- (4) In sub-paragraph (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (5) A person who commits an offence under sub-paragraph (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.

## PART 2

### Applications for absent vote

#### General requirements for applications for absent vote

**11.—**(1) An application under Part 1 of this Schedule must state—

- (a) the full name of the applicant,
- (b) except in a case within paragraph (c), the address in respect of which the applicant is registered or has applied to be (or is treated as having applied to be) registered in the register,
- (c) in the case of an application under paragraph 7(4) or 7(6) (applications relating to postal proxy voting), the proxy's address, together with the name of the elector for whom the applicant will act as proxy and the elector's address for the purposes of paragraph (b),
- (d) in the case of a person applying to vote by post, the address to which the ballot paper should be sent,
- (e) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote,
- (f) in the case of a person who is unable to provide a signature (or a consistent or distinctive signature), the reasons for requesting the waiver of any requirement under paragraph 3 or 7 to provide a signature and the name and address of any person who has assisted in the completion of the application, and
- (g) where the applicant has, or has applied for, an anonymous entry, that fact.

(2) The application must be made in writing and must be dated.

(3) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into the record by configuring the information as follows—

- (a) the signature must appear against a background of white unlined paper of at least five centimetres long and two centimetres high, and
- (b) the applicant's date of birth must be set out numerically configured in the sequence of date, month and year, namely [d][d][m][m][y][y][y][y].

(4) Sub-paragraph (3)(a) does not apply where the application contains a request that the registration officer waive the requirement for a signature.

(5) An application under Part 1 of this Schedule must—

- (a) state that it is made for a particular PCC election, and
- (b) identify the election in question.

(6) An application to vote by proxy must also include an application for the appointment of a proxy which meets the requirements of paragraph 14.

(7) An application under Part 1 of this Schedule may be combined with an application for an absent vote made under the 2001 Regulations, including those Regulations as applied by regulations made under sections 9HE and 105, 9MG and 105, 44 and 105 or 45 and 105 of the Local Government Act 2000(3) or sections 52ZQ and 113 of the Local Government Finance Act 1992(4).  
Additional requirements for certain applications

**Additional requirements: applications where address for ballot papers differs from address in application**

12.—(1) Sub-paragraph (2) applies where—

- (a) in the case of an application to vote by post under paragraph 3(1), the addresses stated in accordance with paragraph 11(1)(b) and (d) are different;
- (b) in the case of an application by a proxy to vote by post under paragraph 7(4), the proxy's address stated in accordance with paragraph 11(1)(c) and the address stated in accordance with paragraph 11(1)(d) are different.

(2) The application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to the address stated in accordance with paragraph 11(1)(d).

(3) Sub-paragraph (2) does not apply where an applicant has, or has applied for, an anonymous entry.

**Additional requirements: applications for ballot papers to be sent to different address from address in record**

13.—(1) Sub-paragraph (2) applies to an application—

- (a) under paragraph 3(5)(a) of this Schedule by a person shown as voting by post in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 or paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004, or
- (b) under paragraph 7(6) of this Schedule by a person shown as voting by post in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 or paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004,

for the ballot paper to be sent to a different address from that shown in the record.

(2) The application must set out why the applicant's circumstances will be or are likely to be such that the applicant requires the ballot paper to be sent to that address.

(3) Sub-paragraph (2) does not apply where an applicant has, or has applied for, an anonymous entry.

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(3) 2000 c.22. Sections 9HE and 9MG were inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 (c.20). Section 45 was amended by section 22 of, and paragraph 66 of Schedule 3 to, that Act. Section 105 was amended by section 22 of, and paragraph 70 of Schedule 3 to, that Act.

(4) 1992 c.14. Section 52ZQ was inserted by Schedule 5 to the Localism Act 2011 and section 113 was amended by section 72 of, and paragraph 32 of Schedule 6 to, that Act.

### **Additional requirements: applications for the appointment of a proxy in respect of a particular PCC election**

**14.—**(1) Sub-paragraph (2) applies to an application for the appointment of a proxy under paragraph 3.

(2) The application must state the full name and address of the person whom the applicant (“P”) wishes to appoint as proxy, together with the person’s family relationship (if any) with P and—

- (a) if it is signed only by P, must contain a statement that P has consulted the person so named and that that person is capable of being and willing to be appointed to vote as P’s proxy, or
- (b) if it is also signed by the person to be appointed as proxy, must contain a statement that the person is capable of being and willing to be appointed to vote as P’s proxy.

(3) The application must set out why the applicant’s circumstances on the date of the poll for the election in respect of which it is made will be or are likely to be such that the applicant cannot reasonably be expected to vote in person at the applicant’s allotted polling station.

(4) Where an application under paragraph 3—

- (a) is made on the grounds of the applicant’s disability, and
- (b) is made after 5 pm on the sixth day before the date of the poll at the PCC election for which it is made,

the requirements of paragraph 15 apply to the matters to be specified and as to the attestation.

(5) Where an application mentioned in sub-paragraph (4) is made, the person attesting the application must state, in addition to the matters specified in paragraph 15, to the best of the attestor’s knowledge and belief, the date upon which the applicant became disabled.

(6) Where an application under paragraph 3 is made by a person to whom paragraph 1(6) applies after 5pm on the sixth day before the date of the poll at the election for which it is made, the requirements of sub-paragraph (7) apply to the matters to be specified and as to attestation.

(7) Where an application mentioned in sub-paragraph (6) is made—

- (a) the application must additionally state the name and address of the hospital at which the applicant is liable to be detained, and
- (b) the application must be attested by or on behalf of a manager, within the meaning of section 145(1) of the Mental Health Act 1983(5), of the hospital at which the applicant is liable to be detained, and the attestation must state—
  - (i) the name of the person attesting the application,
  - (ii) that the person is authorised to make the attestation,
  - (iii) the person’s position in the hospital at which the applicant is liable to be detained, and
  - (iv) the statutory provision under which the applicant is liable to be detained in the hospital.

(8) This paragraph does not apply where an applicant has an anonymous entry.

(9) In this paragraph and in paragraph 15, references to an “allotted polling station”, in relation to an elector, are to the polling station to which the elector is, or is likely to be, allotted under the PCC elections rules.

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(5) 1983. c.20. The definition of “managers” was amended by paragraph 24(9) of Schedule 9 to the National Health Service and Community Care Act 1990 (c.19), section 1 of the Mental Health (Amendment) Act 1994 (c.6), paragraph 107(14) of Schedule 1 to the Health Authorities Act 1995 (c.17), Schedule 5 to the Health Act 1999 (c.8), paragraphs 42 and 49 of Schedule 2 to the National Health Service Reform and Health Care Professions Act 2002 (c.17), paragraphs 50 and 57 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c.43), paragraphs 62 and 70(d) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 and section 46(1) and (3)(b) of the Mental Health Act 2007 (c.12); and by S.I. 2000/902002/2469, 2007/961 and 2010/813.

### **Additional requirements referred to in paragraph 14(4)**

**15.**—(1) This paragraph applies to an application to vote by proxy which is made in the circumstances set out in paragraph 14(4).

(2) The application must specify the disability by reason of which it is made and must be attested and signed by—

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984(6),
- (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989(7),
- (e) a registered pharmacist as defined in article 3(1) of the Pharmacy Order 2010(8),
- (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993(9),
- (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994(10),
- (h) a Christian Science practitioner,
- (i) a person registered as a member of a profession to which the Health Professions Order 2002(11) for the time being extends,
- (j) the person carrying on a care home registered under Part 2 of the Care Standards Act 2000(12) where the applicant states that he or she is resident in that care home,
- (k) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he or she is resident in the premises where the warden works,
- (l) a manager within the meaning of section 145(1) of the Mental Health Act 1983 (interpretation), or on behalf of such a manager, or
- (m) a person registered in the register for social workers maintained in accordance with section 56 of the Care Standards Act 2000(13).

(3) A person who qualifies—

- (a) by virtue of any of paragraphs (a) to (i) of sub-paragraph (2), may not attest an application for these purposes unless—
  - (i) that person is treating the applicant for the disability specified in the application, or
  - (ii) the applicant is receiving care from that person in respect of that disability, or
- (b) by virtue of paragraph (m) of sub-paragraph (2), may not attest an application for these purposes unless—
  - (i) that person is treating the applicant for the disability specified in the application,
  - (ii) the applicant is receiving care from that person in respect of that disability, or
  - (iii) that person has arranged care or assistance for the applicant in respect of that disability.

(4) The person (“A”) attesting the application must state—

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(6) 1984 c.24.

(7) 1989 c.44, as amended by S.I. 2005/848.

(8) S.I. 2010/231.

(9) 1993 c.21.

(10) 1994 c.17.

(11) S.I. 2002/254.

(12) 2000 c.14.

(13) Section 56 has been amended by SI 2007/3101.

- (a) A's name and address and the qualification by virtue of which A attests the application;
  - (b) where A is a person referred to in sub-paragraph (3)(a), that—
    - (i) A is treating the applicant for the disability specified in the application, or
    - (ii) the applicant is receiving care from A in respect of that disability,
  - (c) where A is a person referred to in sub-paragraph (3)(b), that—
    - (i) A is treating the applicant for the disability specified in the application,
    - (ii) the applicant is receiving care from A in respect of that disability, or
    - (iii) A has arranged care or assistance for the applicant in respect of that disability,
  - (d) that, to the best of A's knowledge and belief, the applicant has the disability specified in the application and that the applicant cannot reasonably be expected to go in person to the allotted polling station or to vote unaided there by reason of that disability, and
  - (e) that, to the best of A's knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by A.
- (5) Where A is a person referred to in sub-paragraph (2)(l), A must (instead of the matters specified in sub-paragraph (4)(a)) state in the attestation—
- (a) A's name,
  - (b) that A is authorised to attest the application,
  - (c) A's position in the hospital at which the applicant is liable to be detained or is receiving treatment, and
  - (d) if applicable, the statutory provision under which the applicant is detained, or liable to be detained, at the hospital.
- (6) Sub-paragraphs (2) to (5) do not apply where—
- (a) the application is based on the applicant's blindness and the applicant is registered as a blind person by the local authority which is specified in the application under section 29(4)(g) of the National Assistance Act 1948<sup>(14)</sup>, or
  - (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992) because of the disability specified in the application.
- (7) The fact that an applicant is registered by a local authority under section 29(4)(g) of the National Assistance Act 1948 is sufficient evidence that the applicant is eligible to vote by proxy on the grounds set out in paragraph 3(3)(c).
- Determination of applications

### Closing date for applications

**16.—**(1) Subject to sub-paragraph (2), an application under paragraph 3(2) or (5) or 5(4) is to be refused if it is received by the registration officer after 5 pm on the sixth day before the date of the poll at the PCC election for which it is made.

(2) Where an application made under paragraph 3(2) or (5)(b) is made—

- (a) on the grounds of the applicant's disability and the applicant became disabled after 5pm on the sixth day before the date of the poll at the PCC election for which it is made, or
- (b) by a person to whom paragraph 1(6) applies,

the application, or an application under paragraph 5(4) made by virtue of that application, is to be refused if it is received after 5pm on the day of the poll at the PCC election for which it is made.

<sup>(14)</sup> 1948 c.29 (R.11&12 Geo 6).

(3) An application under paragraph 3(1) or 7(6) is to be refused if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at the PCC election for which it is made.

(4) A notice under paragraph 5(6) by an elector cancelling a proxy's appointment is to be disregarded for the purposes of a particular PCC election if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at that election.

(5) In computing a period of days for the purposes of this paragraph—

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

is to be disregarded.

### **Grant or refusal of applications**

17.—(1) Where the registration officer grants an application to vote by post, the officer must notify the applicant.

(2) Where the registration officer grants an application for the appointment of a proxy, the officer must confirm in writing to the elector that the proxy has been appointed, the proxy's name and address, and the duration of the appointment.

(3) Where the registration officer refuses an application under Part 1 of this Schedule, the officer must notify the applicant, stating the reason for the refusal.

(4) Where the registration officer grants an application made under—

- (a) paragraph 3(5)(a) by a person shown as voting by post in the record kept under paragraph 3 of Schedule 4 to the Representation of the People Act 2000 or paragraph 3 of Schedule 2 to the European Parliamentary Elections Regulations 2004, or
- (b) paragraph 7(6) by a person shown as voting by post in the record kept under paragraph 7(6) of Schedule 4 to the Representation of the People Act 2000 or paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004,

the officer must notify the applicant.

(5) The registration officer must, where practicable, notify the elector of the following, in each case stating the reason—

- (a) where the appointment of a proxy is cancelled by the elector, that the appointment has been cancelled, or
- (b) where the appointment otherwise ceases to be in force, that the appointment has ceased.

(6) Where, under paragraph 16, a registration officer refuses an application or disregards a notice for the purposes of any PCC election, the officer must notify the applicant of this.

Changes affecting proxy votes

### **Cancellation of proxy appointment**

18.—(1) Sub-paragraph (2) applies where the appointment of a proxy—

- (a) is cancelled by notice given to the registration officer under paragraph 5(6),
- (b) otherwise ceases to be in force under paragraph 5(7).

(2) The registration officer must notify the person whose appointment as proxy has been cancelled, has expired or is no longer in force, unless the registration officer has previously been notified by that person that the person no longer wishes to act as proxy.

Evidence of entitlement to absent vote



### Marked register for polling stations

**19.** To indicate that an elector or the elector's proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter "A" is to be placed against the entry of that elector in any copy of the register, or part of it, provided for a polling station.

### Absent voting lists: supply of copies etc

**20.**—(1) Any person who, in accordance with any of the provisions listed in sub-paragraph (2), is entitled to be supplied with copies of the full register is also a person entitled to request that the registration officer supply the relevant part (within the meaning of the listed provisions) of a copy of any of the following information which the registration officer keeps—

- (a) the current version of the information which would, in the event of a particular PCC election, be included in the postal voters list, the list of proxies or the proxy postal voters list;
- (b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters lists.

(2) The listed provisions are—

- (a) paragraph 3 of Schedule 1 (supply of full register etc to police and crime commissioner and restrictions on use);
- (b) paragraph 5 of Schedule 1 (supply of full register etc to certain candidates and restrictions on use);
- (c) regulation 105 of the 2001 Regulations (supply of full register etc to local constituency parties and restrictions on use);
- (d) regulation 106 of the 2001 Regulations (supply of full register etc to registered political parties and restrictions on use).

(3) A request under sub-paragraph (1) must be made in writing and must specify—

- (a) the information (or the relevant parts of the information) requested,
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the supply of any final list, and
- (c) whether a printed copy is requested or a copy in data form.

(4) In response to a request under sub-paragraph (1) that has been duly made, the registration officer must—

- (a) as soon as practicable after receipt of the request, supply the current version of information requested;
- (b) as soon as practicable after 5pm on the eleventh day before the day of the poll, supply a copy of any postal voters list or proxy postal voters list requested.

(5) As soon as practicable after 5pm on the sixth day before the day of the poll the registration officer must—

- (a) make a copy of the postal voters list, the list of proxies or the proxy postal voters list available for inspection at the registration officer's office in accordance with paragraph 21;
- (b) send a copy of those lists to each relevant returning officer (within the meaning of paragraph 1 of Schedule 1); and
- (c) supply a final copy of the postal voters list, the list of proxies or the proxy postal voters list in response to every request under sub-paragraph (1) that has been duly made.

(6) As soon as practicable after 5pm on the day of the poll, the registration officer must supply to every person who received a copy of the list of proxies under sub-paragraph (5)(c) a further copy of



that list which is updated to include any additions to the list that were made in consequence of any application within paragraph 16(2)(a) or (b) which was granted before 5pm on the day of the poll.

(7) Any information or lists supplied under this paragraph are to be supplied free of charge.

(8) A person who obtains any information under this paragraph may use it only for—

(a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998(15); or

(b) electoral purposes,

and such use is also subject to the restrictions specified in paragraphs 23 and 24 or, where the request to the registration officer is made by reference to a provision listed in sub-paragraph (2), subject to any restrictions which would apply to the use of the full register under whichever of the listed provisions entitled the person to obtain the information.

(9) Any person who has obtained or is entitled to obtain a copy of information covered by sub-paragraph (1) may—

(a) supply a copy of the information to a processor for the purpose of processing the information, or

(b) procure that a processor processes and supplies to that person any copy of the information which the processor has obtained under this paragraph,

for use in respect of the purposes for which that person is entitled to obtain such information.

(10) A processor may not disclose information covered by sub-paragraph (1) except to the person who supplied it to the processor or to any other person, or an employee of such a person, who is entitled to obtain a copy of that information under this paragraph.

### **Absent voting lists: inspection**

**21.—**(1) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in paragraph 20(1).

(2) A request under sub-paragraph (1) must be made in writing and must specify—

(a) the information (or relevant parts of the information) requested,

(b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list,

(c) who will inspect the information,

(d) the date on which they wish to inspect the information, and

(e) whether they would prefer to inspect the information in printed or data form.

(3) The registration officer must make a copy of the information available for inspection under supervision as soon as practicable after the date of receipt of a request under sub-paragraph (1) that has been duly made.

(4) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

(a) search it by electronic means by reference to the name of any person, or

(b) copy or transmit any part of that copy by electronic, or any other means.

(5) A person who inspects a copy of information provided under sub-paragraph (3), whether in printed or in data form, may not—

(a) make copies of any part of it, or

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(15) 1998 c.29.

(b) record any particulars in it,  
otherwise than by means of hand-written notes.

(6) Subject to any direction by the Secretary of State under article 6, any duty on a registration officer to supply a copy or make information available for inspection under this paragraph imposes only a duty to provide that information in the form in which the registration officer holds it.

### **Supply and inspection of absent voting lists: general provisions**

**22.—**(1) For the purposes of paragraphs 20 and 21—

- (a) a “current copy” of records or lists is a copy of the records or lists as kept by the registration officer at 9 a.m. on the date it is supplied,
- (b) “processor” means a person who provides a service which consists of putting information into a data form and any reference to a processor includes a reference to a processor’s employees, and
- (c) any period of days is to be calculated in accordance with paragraph 16(5).

(2) The registration officer must ensure that, in supplying or disclosing information covered by paragraph 20(1)(a) in accordance with paragraph 20 or 21, the registration officer does not supply or disclose any record relating to—

- (a) a person who has an anonymous entry, or
- (b) the proxy of a person who has an anonymous entry.

### **Restrictions on supply and disclosure of absent voter records or lists**

**23.—**(1) This paragraph applies to—

- (a) the registration officer,
- (b) any deputy registration officer, and
- (c) any person appointed to assist a registration officer or who in the course of that person’s employment is assigned to assist any such officer in that officer’s registration duties.

(2) Where the registration officer is also the local returning officer at a PCC election (and thereby has access to the information covered by paragraph 20(1) without being supplied with a copy of it), this paragraph also applies to—

- (a) the registration officer acting in the capacity of local returning officer, and
- (b) any person appointed to assist the local returning officer or who in the course of that person’s employment is assigned to assist that officer in that officer’s duties in respect of the PCC election.

(3) No person to whom this paragraph applies may—

- (a) supply to any person a copy of the information covered by paragraph 20(1), or
- (b) disclose any of that information,

otherwise than in accordance with an enactment, including this Order.

(4) Nothing in sub-paragraph (3) applies to the supply or disclosure by a person to whom this paragraph applies to another such person in connection with that other person’s registration duties or for the purposes of an election or referendum.

### **Restriction on use of absent voter records or lists or the information contained in them**

**24.—**(1) This paragraph applies to any person who has obtained access to the information covered by paragraph 20(1) by any means.

- (2) No person to whom this paragraph applies may—
- (a) supply a copy of the information or any part of that information,
  - (b) disclose any of that information, or
  - (c) make use of any such information,
- other than for a permitted purpose specified in sub-paragraph (3).
- (3) The permitted purposes are—
- (a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998, or
  - (b) electoral purposes.

### **Supply and inspection of absent voting lists: offences**

- 25.**—(1) A person is guilty of an offence—
- (a) if the person contravenes paragraph 20(8) or (10), 21(5), 23(3) or 24(2), or
  - (b) if the person is an appropriate supervisor of a person (“P”) who contravenes any of those provisions and the supervisor failed to take appropriate steps.
- (2) P is not guilty of an offence under sub-paragraph (1) if—
- (a) P had an appropriate supervisor, and
  - (b) P has complied with all the requirements imposed on P by P’s appropriate supervisor.
- (3) A person who is not P or an appropriate supervisor is not guilty of an offence under sub-paragraph (1) if the person takes all reasonable steps to ensure that he or she complies with the provisions specified in sub-paragraph (1)(a).
- (4) In sub-paragraphs (1)(b), (2) and (3)—
- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
  - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the provisions specified in sub-paragraph (1)(a).
- (5) A person guilty of an offence as mentioned in sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **The personal identifiers record**

- 26.**—(1) The registration officer must maintain a record (“the personal identifiers record”), apart from the other records and lists which the officer is required to keep under Part 1 of this Schedule, of the signatures and dates of birth provided by persons whose applications under paragraph 3(1) or (2) or paragraph 7(4) were granted, until the expiry of twelve months from the date of the poll for the purposes of which the person’s application for an absent vote was granted under paragraph 3(1) or (2) or paragraph 7(4).
- (2) The personal identifiers record must contain the following information in respect of each absent voter on the postal voters list, list of proxies or proxy postal voters list—
- (a) name,
  - (b) date of birth, and
  - (c) signature, or a record of the waiver by the registration officer of the requirement for a signature.

- (3) The registration officer may disclose information held in the personal identifiers records to—
- (a) any candidate or agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to in paragraph 50;
  - (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the 2000 Act(16), but only to the extent required to permit them to observe the proceedings.

### Applications requiring applicants' signature

27.—(1) In order to be satisfied that an application complies with any requirements of this Schedule for the application to contain the applicant's signature and a statement of the applicant's date of birth, the registration officer may refer to—

- (a) any signature and date of birth previously provided by the applicant to the registration officer or a returning officer, or
- (b) any signature and date of birth previously provided by the applicant to the council by which the registration officer was appointed which the officer is authorised to inspect under regulation 35 of the 2001 Regulations for the purposes of the officer's registration duties.

(2) The registration officer may take such steps as appear necessary in order to be satisfied as to whether the applicant is unable to provide a signature (or a consistent or distinctive signature) due to any disability or inability to read or write.

## PART 3

### Issue and receipt of ballot papers

#### Interpretation

28. In this Part of this Schedule—

“agent” includes the election agent and a person appointed to attend in the election agent's place;

“ballot paper envelope” and “covering envelope” have the meaning given in paragraph 38;

“issue” includes the original or any subsequent issue;

“postal voters' ballot box” means the ballot box referred to in paragraph 45(1)(a);

“receptacle for ballot paper envelopes” and other references to specified receptacles means the receptacles listed in paragraph 45(5);

“spoilt postal ballot paper” means a ballot paper referred to in paragraph 41;

“valid postal voting statement” means a postal voting statement which, in accordance with paragraph 50 or 51, the local returning officer is satisfied is duly completed.

Issue of postal ballot papers etc

#### Combination of polls

29.—(1) Where the poll at a PCC election is to be taken together under a relevant provision with the poll at one or more other elections or local referendums, the proceedings on the issue and receipt

(16) 2000 c.41. Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 and section 6A(5) was amended by paragraphs 89 and 92 of S.I. 2007/1388 and by paragraph 10 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c.13).

of postal ballot papers in respect of each election or local referendum may, if the returning officers and counting officers concerned agree, be taken together.

(2) “Relevant provision” means the provisions of section 15(1) or (2) of the Representation of the People Act 1985, as they have effect in relation to PCC elections by virtue of article 13 of this Order.

**Form of postal voting statement: poll taken alone or combined with mayoral election only**

**30.**—(1) This paragraph specifies the form of the postal voting statement which is to be used for the purposes of rule 25 of the PCC elections rules.

- (2) Form 2 or a form to like effect is to be used at a PCC election taken alone.
- (3) Form 3 or a form to like effect is to be used where—
  - (a) the proceedings at a PCC election and a mayoral election are taken together and are not taken together with proceedings at any other election or referendum, and
  - (b) the proceedings on the issue and receipt of postal ballot papers at both elections are taken together.
- (4) In any other case where—
  - (a) the proceedings at a PCC election and another election or referendum are taken together, and
  - (b) the proceedings on the issue and receipt of postal ballot papers at both elections are taken together,

the form of the postal voting statement which is to be used is the form of that statement which is required to be used at that other election or referendum.

- (5) Form 4 or a form to like effect is to be used where—
  - (a) the proceedings at a PCC election and another election or referendum are taken together, but
  - (b) the proceedings the proceedings on the issue and receipt of postal ballot papers are not taken together.
- (6) In this paragraph—
  - (a) references to a numbered form are to the form of that number which is set out in Part 4 of this Schedule;
  - (b) “mayoral election” means—
    - (i) an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000(17), or
    - (ii) an election in Wales for the return of an elected mayor as defined by section 39(1) of the Local Government Act 2000.

**Persons entitled to be present at proceedings on issue of postal ballot papers**

**31.** Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the 2000 Act, no person may be present at the proceedings on the issue of postal ballot papers other than—

- (a) the police area returning officer,
- (b) the local returning officer, and
- (c) the clerks of either officer.

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(17) Section 9H was inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 (c.20).

### **Persons entitled to be present at proceedings on receipt of postal ballot papers**

**32.** Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the 2000 Act, no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the police area returning officer,
- (b) the local returning officer,
- (c) the clerks of either officer,
- (d) a candidate,
- (e) an agent (including an agent appointed under paragraph 33),
- (f) a sub-agent, and
- (g) where the proceedings on the receipt of postal ballot papers are taken together with those proceedings at another election or a local referendum, persons entitled to be present at the proceedings for any such other election or local referendum.

### **Agents of candidates who may attend proceedings on receipt of postal ballot papers**

**33.**—(1) Each candidate may appoint one or more agents to attend the proceedings on the receipt of the postal ballot papers up to the number authorised by the local returning officer in respect of each candidate and so long as the number authorised is the same in the case of each candidate.

(2) Notice in writing of the appointment stating the names and addresses of the persons appointed must be given by the candidate to the local returning officer before the time fixed for the opening of the postal voters' ballot box.

(3) Agents may be appointed and notice of appointment given to the local returning officer by the candidate's election agent instead of by the candidate.

(4) Where postal ballot papers for more than one election or local referendum are issued together under paragraph 29, the officer to whom notice must be given under sub-paragraph (2), (3) or (5) is the returning or counting officer who issues the ballot papers.

(5) If an agent dies or becomes incapable of acting, the candidate may appoint another agent and must forthwith give to the local returning officer notice in writing of the name and address of the agent appointed.

(6) In this Part of this Schedule references to agents are to be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (1), who are within the number authorised by the local returning officer.

(7) A candidate may do any act or thing which any agent of the candidate, if appointed, would have been authorised to do, or may assist such an agent in doing any such act or thing.

(8) Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose does not, if the act or thing is otherwise duly done, invalidate the act or thing done.

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

**34.** The local returning officer must make such arrangements as the officer thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of sub-paragraphs (5) and (7) of article 22 (requirement of secrecy).

### **Time when postal ballot papers are to be issued**

**35.**—(1) In the case of a person who—

- (a) is for the time being shown in the record referred to in paragraph 3(4)(a) or (b) (person entitled to absent vote by post at other elections or referendums for indefinite or definite period), or
- (b) is for the time being shown in the record referred to in paragraph 7(6)(a) or (b) (proxies entitled to vote by post at other elections or referendums for an indefinite or definite period),

no postal ballot paper or postal voting statement is to be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 16(5)).

(2) In the case of any other person, the postal ballot paper (and postal voting statement) is to be issued by the local returning officer as soon as practicable after the registration officer has granted the application to vote by post.

### **Procedure on issue of postal ballot paper**

**36.**—(1) The number of the elector as stated in the register must be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector.

(2) A mark must be placed in the postal voters list or the proxy postal voters list against the number of the elector to denote that a ballot paper has been issued to the elector or the elector's proxy, but without showing the particular ballot paper issued.

(3) The number of a postal ballot paper must be marked on the postal voting statement sent with that paper.

(4) Where postal ballot papers for more than one election or local referendum are issued together under paragraph 29—

- (a) one mark must be placed in the postal voters list or the proxy postal voters list under sub-paragraph (2) to denote that ballot papers have been issued in respect of all those elections or local referendums except that, where postal ballot papers are not so issued, a different mark must be placed in the postal voters list or the proxy postal voters list to indicate the election or local referendum in respect of which the ballot paper was issued, and
- (b) the number of each ballot paper must be marked on the postal voting statement under sub-paragraph (3).

(5) At a PCC election where the proceedings at that election and another election or a local referendum are taken together but the proceedings on the issue and receipt of postal ballot papers are not, the colour of the postal ballot paper must also be marked on the postal voting statement sent with the ballot paper.

(6) Subject to sub-paragraph (7), the address to which the postal ballot paper, postal voting statement and the envelopes referred to in paragraph 38 are to be sent is—

- (a) in the case of an elector, the address shown in the postal voters list;
- (b) in the case of a proxy, the address shown in the proxy postal voters list.

(7) Where a person has an anonymous entry in the register, the items specified in sub-paragraph (6) must be sent (as the case may be) to the address to which postal ballot papers should be sent as mentioned in paragraph 4(2) or 7(7).



### Refusal to issue postal ballot paper

37. Where a local returning officer is satisfied that two or more entries in the postal voters list, or the proxy postal voters list or in each of those lists relate to the same elector, the officer must not issue more than one ballot paper in respect of that elector at any one election.

### Envelopes

38.—(1) Sub-paragraphs (2) and (3) prescribe the envelopes which must be issued to a postal voter in addition to the ballot paper and postal voting statement (which are issued under rule 25 of the PCC elections rules).

(2) There must be issued an envelope for the return of the postal ballot paper or, as the case may be, ballot papers and the postal voting statement (referred to as a “covering envelope”) which is to be marked with the letter “B”.

(3) There must also be issued a smaller envelope (referred to as a “ballot paper envelope”) which is to be marked with—

- (a) the letter “A”,
- (b) the words “ballot paper envelope”, and
- (c) unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed, the number of the ballot paper or, as the case may be, ballot papers.

(4) Sub-paragraphs (5) and (6) apply where—

- (a) by virtue of provisions applied by article 13, the poll at a PCC election is taken together with the polls at an another election or local referendum, but
- (b) the proceedings on the issue and receipt of ballot papers are not taken together under paragraph 29.

(5) The envelopes referred to in sub-paragraph (2) must also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”.

(6) On the envelopes referred to in in sub-paragraph (3), after the words “Ballot paper envelope”, the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

### Sealing up of completed corresponding number lists and security of special lists

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

(2) Until the time referred to in paragraph 48(11), the local returning officer must take proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.

### Delivery of postal ballot papers

40.—(1) For the purposes of delivering postal ballot papers, the local returning officer may use—

- (a) a postal operator within the meaning of Part 3 of the Postal Services Act 2011(18),
- (b) a commercial delivery firm, or
- (c) clerks appointed under rule 27 of the PCC elections rules.

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(18) 2011 c.5.



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

(3) Postage must be prepaid on envelopes addressed to the postal voters (except where sub-paragraph (1)(c) applies).

(4) Return postage must be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

### **Spoilt postal ballot papers**

**41.**—(1) Where a postal voter (“PV”) has inadvertently dealt with PV’s postal ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a postal voting statement (referred to as “a spoilt postal voting statement”), PV may return (either by hand or by post) to the local returning officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where PV exercises the entitlement conferred by sub-paragraph (1), PV must also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not,
- (b) where the postal ballot papers for more than one election or local referendum have been issued together under paragraph 29, all other ballot papers so issued, whether spoilt or not, and
- (c) the envelopes supplied for the return of the documents mentioned in paragraph 38.

(3) Subject to sub-paragraph (4), on receipt of the documents referred to in sub-paragraph (1) (and, where applicable, sub-paragraph (2)), the local returning officer must issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after 5 pm on the day of the poll.

(4) Where the local returning officer receives the documents referred to in sub-paragraph (1) (and, where applicable sub-paragraph (2)), after 5 pm on the day before the day of the poll, the local returning officer must only issue another postal ballot paper or, as the case may be, ballot papers if PV returned the documents by hand.

(5) The following provisions apply to the issue of a replacement postal ballot paper under sub-paragraph (3)—

- (a) paragraph 36 (except sub-paragraph (2)),
- (b) paragraphs 38 and 39, and
- (c) subject to sub-paragraph (8), paragraph 40.

(6) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with sub-paragraph (1) or (2) must be immediately cancelled.

(7) The local returning officer, as soon as practicable after cancelling those documents, must make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.

(8) Where PV applies in person—

- (a) by 5 pm on the day before the day of the poll, the local returning officer may hand a replacement postal ballot paper to PV, or
- (b) after 5 pm on the day before the day of the poll, the local returning officer may only hand a replacement postal ballot paper to PV,

instead of delivering it in accordance with paragraph 40.

(9) The local returning officer must enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry),
- (b) the number of any postal ballot paper issued under this paragraph, and
- (c) where PV is a proxy, PV’s name and address.

### **Lost postal ballot papers**

**42.**—(1) Where a postal voter claims either to have lost or not to have received—

- (a) the postal ballot paper, or
- (b) the postal voting statement, or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the day of the poll, the postal voter may apply (whether or not in person) to the local returning officer for a replacement ballot paper.

(2) Such an application must include evidence of the postal voter’s identity.

(3) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), the postal voter must return—

- (a) the documents referred to in sub-paragraph (1)(a) to (c) , and
- (b) where the postal ballot papers for more than one election or local referendum have been issued together under paragraph 29, all other ballot papers so issued,

which the postal voter has received and which have not been lost.

(4) Any postal ballot paper or postal voting statement returned in accordance with sub-paragraph (3) must be immediately cancelled.

(5) The local returning officer, as soon as practicable after cancelling those documents, must make up those documents in a separate packet and must seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet must be opened and the additional cancelled documents included in it and the packet must be again made up and sealed.

(6) Subject to sub-paragraph (7), where the application is received by the local returning officer before 5 pm on the day of the poll and the local returning officer—

- (a) is satisfied as to the postal voter’s identity, and
- (b) has no reason to doubt that the postal voter has either lost or has not received the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return,

the local returning officer must issue another postal ballot paper or, as the case may be, ballot papers.

(7) Where the application is received by the local returning officer after 5 pm on the day before the day of the poll, the officer must only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter applies in person.

(8) The local returning officer must enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry),
- (b) the number of any postal ballot paper issued under this paragraph, and
- (c) where the postal voter is a proxy, the proxy’s name and address.

(9) The following provisions apply to the issue of a replacement postal ballot paper under sub-paragraph (6)—

- (a) paragraph 36 (except sub-paragraph (2)),
- (b) paragraphs 38 and 39, and
- (c) subject to sub-paragraph (10), paragraph 40.

(10) Where a postal voter applies in person—

- (a) by 5 pm on the day before the day of the poll, the local returning officer may hand a replacement postal ballot paper to the postal voter, or
- (b) after 5 pm on the day before the day of the poll, the local returning officer may only hand a replacement postal ballot paper to the postal voter,

instead of delivering it in accordance with paragraph 40.

Receipt of postal ballot papers etc

### **Alternative means of returning postal ballot paper or postal voting statement**

**43.**—(1) For the purposes of rule 49(2) of the PCC elections rules, the manner in which a postal ballot paper or postal voting statement at a PCC election for any police area may be returned to a polling station is by hand.

(2) For those purposes, the manner in which such a paper or statement may be returned to the local returning officer, is by hand or by post.

(3) Subject to sub-paragraph (4), the presiding officer of the polling station must deliver, or cause to be delivered, any postal ballot paper or postal voting statement returned to that station to the local returning officer in the same manner and at the same time as the presiding officer delivers, or causes to be delivered, the packets referred to in rule 47(1) of the PCC elections rules.

(4) The local returning officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of sub-paragraph (3) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to the local returning officer.

(5) Where the local returning officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with sub-paragraph (4) the presiding officer must first make it (or them) up into a packet (or packets) sealed with the presiding officer's own seal and the seals of such polling agents as are present and desire to affix their seals.

### **Notice of opening of postal ballot paper envelopes**

**44.**—(1) The local returning officer must give to each candidate not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened.

(2) Such a notice must specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under paragraph 33 to attend each opening.

### **Postal ballot boxes and receptacles**

**45.**—(1) The local returning officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters ("postal voters' ballot box"), and
- (b) postal ballot papers ("postal ballot box").

(2) Each such ballot box must be marked “postal voters’ ballot box” or “postal ballot box” (as the case may be) and marked with—

- (a) the name of both the police area and the voting area in relation to which it is to be used at the PCC election, and
- (b) where the proceedings at that election and another election or a local referendum are taken together, the name of the parliamentary constituency, local counting area, voting area or, as the case may be, the relevant local authority for which the election or local referendum is held.

(3) The postal ballot box must be shown to those agents present on the occasion of opening the first postal voters’ ballot box as being empty.

(4) The local returning officer must then lock the ballot box (if it has a lock) and apply the officer’s seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The local returning officer must provide the following receptacles—

- (a) the receptacle for rejected votes,
- (b) the receptacle for postal voting statements,
- (c) the receptacle for ballot paper envelopes,
- (d) the receptacle for rejected ballot paper envelopes,
- (e) the receptacle for rejected votes (verification procedure), and
- (f) the receptacle for postal voting statements (verification procedure).

(6) The local returning officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

### **Receipt of covering envelope**

**46.**—(1) The local returning officer must, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters’ ballot box.

(2) Where an envelope, other than a covering envelope issued by the local returning officer—

- (a) has been opened, and
- (b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope, together with its contents, must be placed in a postal voters’ ballot box.

### **Opening of postal voters’ ballot box**

**47.**—(1) Each postal voters’ ballot box must be opened by the local returning officer in the presence of the agents.

(2) So long as the local returning officer ensures that there is at least one sealed postal voters’ ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters’ ballot boxes may previously be opened by the officer.

(3) The last postal voters’ ballot box and the postal ballot box must be opened at the verification of the ballot paper accounts under rule 49 of the PCC elections rules.

## Opening of covering envelopes

48.—(1) When a postal voters' ballot box is opened, the local returning officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 46(2)).

(2) The local returning officer must set aside for personal identifier verification in accordance with paragraph 51 a percentage, not less than 20%, of the envelopes recorded on that occasion.

(3) The local returning officer must open separately each covering envelope (including an envelope described in paragraph 46(2)).

(4) The procedures in paragraph 50 or, as the case may be, 51 apply where a covering envelope (including an envelope to which paragraph 46(2) applies) contains both—

- (a) a postal voting statement, and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers).

(5) Where the covering envelope does not contain the postal voting statement separately, the local returning officer must open the ballot paper envelope to ascertain whether the postal voting statement is inside.

(6) Where a covering envelope does not contain both—

- (a) a postal voting statement (whether separately or not), and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper (or ballot papers),

the local returning officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

(7) Where—

- (a) an envelope contains the postal voting statement of an elector with an anonymous entry, and
- (b) sub-paragraph (6) does not apply,

the local returning officer must set aside that envelope and its contents for personal identifier verification in accordance with paragraph 51.

(8) In carrying out the procedures in this paragraph and paragraphs 50 to 56, the local returning officer—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers, and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the local returning officer must place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(10) A mark made under sub-paragraph (9) must be distinguishable from and not obscure the mark made under paragraph 36(2).

(11) As soon as practicable after the last covering envelope has been opened, the local returning officer must make up into a packet the copy of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and must seal such a packet.

### Confirming receipt of postal voting statements

**49.**—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may make a request, at any time between the first issue of postal ballot papers under paragraph 35 and the close of the poll, that the local returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned, and
- (b) whether the number of the ballot paper issued to the elector or the elector's proxy has been recorded on either of the lists kept by the local returning officer under sub-paragraphs (2) and (3) of paragraph 55.

(2) A request under sub-paragraph (1) must—

- (a) be made by any method specified by the local returning officer, and
- (b) include any evidence of the voter's identity requested by that officer.

(3) Where a request is received in accordance with sub-paragraph (2) the local returning officer must satisfy himself or herself that the request has been made by the elector or their proxy and, if satisfied that it was, provide confirmation of the matters under sub-paragraph (1).

### Procedure in relation to postal voting statements

**50.**—(1) This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 48(2) or (7).

(2) The local returning officer must satisfy himself or herself that the postal voting statement is duly completed.

(3) Where the local returning officer is not satisfied that the postal voting statement is duly completed, the officer must mark the statement "rejected", attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.

(4) Before placing the statement in the receptacle for rejected votes, the local returning officer—

- (a) must show it to the agents, and
- (b) if any of them object to the officer's decision, must add the words "rejection objected to".

(5) The local returning officer must then examine the number (or numbers) on the postal voting statement against the number (or numbers) on the ballot paper envelope and, where they are the same, the officer must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number (or numbers) on a valid postal voting statement is not the same as the number (or numbers) on the ballot paper envelope, or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the local returning officer must open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope,
- (b) the ballot paper envelope has been opened under sub-paragraph (6), or
- (c) the ballot paper envelope has been opened under paragraph 48(5).

(8) In the circumstances described in sub-paragraph (7), the local returning officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the valid postal voting statement;
- (b) in the receptacle for rejected votes, any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes, any valid postal voting statement marked “provisionally rejected” where—
  - (i) there is no ballot paper, or
  - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, the local returning officer must mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements, any valid statement not disposed of under paragraph (b) or (c).

**Procedure in relation to postal voting statements: personal identifier verification**

**51.**—(1) This paragraph applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with paragraph 48(2) or (7).

(2) The local returning officer must satisfy himself or herself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the local returning officer is not satisfied that the postal voting statement is duly completed, the officer must mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and, subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing a postal voting statement in the receptacle for rejected votes (verification procedure), the local returning officer must show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to the officer’s decision, the officer must add the words “rejection objected to”.

(5) The local returning officer must then examine the number (or numbers) on the postal voting statement against the number (or numbers) on the ballot paper envelope and, where they are the same, the officer must place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope, or
- (b) that envelope has no number on it (or only one number when the postal voting statement has more than one),

the local returning officer must open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope,
- (b) the ballot paper envelope has been opened under sub-paragraph (6), or
- (c) the ballot paper envelope has been opened under paragraph 48(5).

(8) In the circumstances described in sub-paragraph (7), the local returning officer must place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number on the valid postal voting statement;



- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the valid postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected” where—
  - (i) there is no ballot paper, or
  - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, the local returning officer must mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under paragraph (b) or (c).

### **Postal voting statements: additional personal identifier verification**

**52.**—(1) A local returning officer may on any occasion at which a postal voters’ ballot box is opened in accordance with paragraph 47 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where a local returning officer undertakes additional verification of personal identifiers, the officer must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as the officer wishes to subject to additional verification, and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the local returning officer is no longer satisfied that the postal voting statement has been duly completed the officer must mark the statement “rejected” and before placing the postal voting statement in the receptacle for rejected votes (verification procedure), the officer must—

- (a) show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to the officer’s decision, the officer must add the words “rejection objected to”;
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper number on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the agents; and
- (d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the local returning officer must lock the postal ballot box (if it has a lock) and reseal it in the presence of the agents.

(5) Whilst retrieving a ballot paper in accordance with sub-paragraph (3), the local returning officer and the officer’s staff—

- (a) must keep the ballot papers face downwards and take proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

### **Opening of ballot paper envelopes**

**53.**—(1) The local returning officer must open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.



(2) The local returning officer must—

- (a) place in the postal ballot box any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope,
- (b) place in the receptacle for rejected votes any other ballot paper which must be marked “provisionally rejected” and to which the ballot paper envelope is to be attached, and
- (c) place in the receptacle for rejected ballot paper envelopes any ballot paper envelope which must be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating in each case the missing ballot papers).

### **Retrieval of cancelled postal ballot papers**

**54.**—(1) Where it appears to the local returning officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters’ ballot box,
- (b) in the receptacle for ballot paper envelopes, or
- (c) in a postal ballot box,

the officer must proceed as follows.

(2) The local returning officer must, on at least one occasion on which a postal voters ballot box is opened in accordance with paragraph 47, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper,
- (b) show the ballot paper number on the cancelled ballot paper to the agents,
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements,
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates,
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by paragraph 41(7), and
- (f) unless the postal ballot box has been opened for the purposes of the counting of votes under rule 52 of the PCC elections rules, re-lock (if it has a lock) and re-seal the postal ballot box in the presence of the agents.

(3) Whilst retrieving a cancelled ballot paper in accordance with sub-paragraph (2), the local returning officer and the officer’s staff—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person seeing the votes made on the ballot papers, and
- (b) must not be permitted to view the corresponding number list used at the issue of postal ballot papers.

### **Lists of rejected postal ballot papers**

**55.**—(1) In respect of any election, the local returning officer must keep two separate lists of rejected postal ballot papers.

(2) In the first list, the officer must record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, the officer must record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

### Checking of lists of rejected ballot papers

**56.**—(1) Where the local returning officer receives a valid postal voting statement without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, the officer may, at any time prior to the close of the poll, check the list kept under paragraph 55(2) to see whether the number (or numbers) of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the local returning officer receives a postal ballot paper without the postal voting statement to which it relates, the officer may, at any time prior to the close of the poll, check the list kept under paragraph 55(3) to see whether the number of that ballot paper is entered in that list.

(3) The local returning officer must conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of the packets from every polling station in, as the case may be, the voting area, parliamentary constituency, local counting area, electoral area or local authority area.

(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the local returning officer must retrieve that statement or paper.

(5) The local returning officer must then take the appropriate steps under this Part of this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

### Sealing of packets

**57.**—(1) As soon as practicable after the completion of the procedure under paragraph 56(3) and (4), the local returning officer must make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- (b) the receptacle of postal voting statements,
- (c) the receptacle of rejected ballot paper envelopes,
- (d) the lists of spoilt and lost postal ballot papers,
- (e) the receptacle of rejected votes (verification procedure), and
- (f) the receptacle of postal voting statements (verification procedure),

and must seal up such packets.

(2) Any document in those packets marked “provisionally rejected” is to be deemed to be marked “rejected”.

### Abandoned poll

**58.**—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the local returning officer—

- (a) must not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Part of this Schedule, and
- (b) must, notwithstanding paragraphs 48 to 53, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Paragraph (1) does not apply where ballot papers for more than one election have been issued together under paragraph 29.

### Forwarding of documents

**59.**—(1) The local returning officer must forward to the relevant registration officer at the same time as the local returning officer forwards the documents mentioned in rule 66 of the PCC elections rules—

- (a) any packets referred to in paragraphs 39, 41(7), 42(5), 48(11) and 57 (subject to paragraph 58), endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the police area for which the election was held and the name of the voting area for which the local returning officer acts, and
- (b) a completed statement of the number of postal ballot papers issued, which is to be in Form 5 set out in Part 4 of this Schedule or a form to like effect.

(2) Where, under a relevant provision (within the meaning of paragraph 29(2)), the poll at a PCC election is taken together with the poll at one or more other elections or local referendums, a separate statement in the form described in sub-paragraph (1)(b) must be completed for each election or local referendum.

(3) Where—

- (a) any covering envelopes are received by the local returning officer after the close of the poll (apart from those delivered in accordance with the provisions of paragraph 43(3)),
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the local returning officer must put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in sub-paragraph (1).

(4) Rules 67 and 68 of the PCC elections rules apply to any packet or document forwarded under this paragraph.

(5) A copy of the statement referred to in sub-paragraph (1)(b) must be provided by the local returning officer to the Secretary of State and the Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

(6) For the purposes of computing the period referred to in sub-paragraph (5)—

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

is to be disregarded.

(7) In sub-paragraph (3)(c), “spoilt postal ballot paper” has the meaning given in paragraph 41.

## PART 4

### Forms referred to in Parts 1 to 3 of this Schedule

#### Forms

**60.** These are the forms referred to in Parts 1 to 3 of this Schedule(19).

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Form 1	Proxy paper (paragraph 5(5))
Form 2	Postal voting statement where PCC election taken alone (paragraph 30(2))

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(19) Article 84 contains other provision about forms.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Police and Crime Commissioner Elections Order 2012 No. 1917

Form 3	Combination with mayoral election only: postal voting statement where proceedings on issue and receipt of postal ballot papers combined (paragraph 30(3))
Form 4	Other combinations: postal voting statement where proceedings on issue and receipt of postal ballot papers not combined (paragraph 30(5))
Form 5	Completed statement of the number of postal ballot papers issued (paragraph 59(1)(b))

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## Form 1

### Proxy paper at particular PCC election

Police area.....

Voting area.....

Name of Proxy.....

Address.....

Is appointed as proxy for.....

(Name of elector).....

who is qualified to be registered for

(Qualifying address).....

to vote for him/her at

The Police and Crime Commissioner election for the above [police area] on  
(date).

Signature

.....

Electoral Registration Officer .....

Address.....

Date.....

This proxy paper gives you the right to vote as proxy, at a Police and Crime Commissioner election only, on behalf of the elector whose name is given above.

Your appointment as proxy is for the Police and Crime Commissioner election on a particular day. You have the right to vote only at the election specified in the proxy paper.

When the elector applied for you to be appointed as proxy EITHER he or she was asked to state that he or she has consulted you and that you were capable of being, and willing to be, appointed as proxy OR you signed a statement stating that you were capable of being, and willing to be, appointed. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other Commonwealth citizen, a citizen of the republic of Ireland or citizen of any other Member State of the European Union, and not for any reason disqualified from voting. If for some reason you are not capable of being, or willing to be, appointed as proxy, please write to the elector asking him or her to cancel the appointment.

You may vote as proxy at the polling station to which the elector on whose behalf you are appointed is allotted. However, you may not vote as proxy-

- at a Police and Crime Commissioner election in the same police area;

Or

- in any other case, at the same election,

for more than two electors of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but it will be helpful to do so. Remember that the elector may still vote in person. If he or she applies for a ballot paper at the polling station before you do you will not be able to vote as proxy on his or her behalf.

If you cannot vote in person at the polling station the electoral registration officer may be able to allow you to vote as proxy by post.

You may vote by post at a Police and Crime Commissioner election or for all elections on a particular day. But the electoral registration officer cannot allow an application to vote by post at a Police and Crime Commissioner election on a particular day if he or she receives it after 5pm on the eleventh working day before the poll.

## Form 2

### Postal voting statement where PCC election taken alone

<h2 style="margin: 0;">Postal voting statement</h2>	<p>Other unique identifying marks</p>
<p><b>Voting on [day] [date] [name of month] [year]</b></p>	
<p><b>Election of the Police and Crime Commissioner for (insert name of police area) police area</b></p>	

\*[Name]..... Ballot paper number:.....

\*Local returning officer to insert name but omit where sent to an anonymous elector.

- Check that the number on the back of your ballot paper matches the number shown above.**  
If they do not match, call us straight away on (insert helpline number).  
**It is an offence to vote using a ballot paper that was not sent to you.**
- Complete your declaration.** I confirm that the ballot paper with the number shown above was sent to me.  
My date of birth is: (use numbers) → 











  
Day Month Year

#[Signature] →   
(keep inside the box)

#(Local returning officer to omit where a person has been granted a waiver)

**We will check this information against our records for security.**

### Instructions for voting by post

For your vote to be counted, you must complete and return this postal voting statement with your ballot paper. Make sure you fill in your **date of birth** *\*(and signature)*.

- **#(On this ballot paper you can vote twice.** Vote by putting a cross ☒ in the box:
  - in column 1 next to your **first choice** candidate, and
  - in column 2 next to your **second choice** candidate.
- Your first and second choices should be different.]
- **[Vote for only one candidate by putting a cross ☒ in the box next to your choice]**
- # (Local returning officer to amend as appropriate)

**[Optional helpline or e-mail contact details]**

**① Deadline:** we must receive your postal vote by **10pm on [day/date of poll]**. If you miss the post, you can hand it in at our office or at any polling station in your police area **before 10pm on [day/date of poll]**.

After receiving this postal vote, you cannot vote in person at a polling station in this election.

Do not mark it in any other way or your vote may not count.

\*(Local returning officer to omit where a person has been granted a waiver)

#### Getting help

If you need help to vote, you can ask someone you know or get independent help by phoning the helpline. The person helping you must not tell anyone how you voted.

If you make a mistake, you can get a replacement postal vote. Call us straight away as **we can only issue a replacement before 5pm on [day] [date] [name of month]**. You will need to return all the contents of this postal voting pack to us.

**It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person. The Local Returning Officer issued this statement.**

## Form 3

Combination with mayoral election only: postal voting statement where proceedings on issue and receipt of postal ballot papers combined

<b>Postal voting statement</b>	Other unique identifying marks
Voting on [day] [date] [name of month] [year]	
Election of the Mayor for (insert name of authority)	
Election of the Police and Crime Commissioner for (insert name of police area) police area	
* [Name] ..... Ballot paper numbers: ..... <small>*(Local returning officer to insert name but omit where sent to an anonymous elector.)</small>	
1. Check that the numbers on the back of your ballot papers match the numbers shown above. If any do not match, contact us straight away on (insert helpline number). <b>It is an offence to vote using a ballot paper that was not sent to you.</b>	
2. Complete your declaration. I confirm that the ballot papers with the numbers shown above were sent to me.	
My date of birth is: (use numbers) →	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">Day</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">Month</div> <div style="border: 1px solid black; width: 60px; height: 30px; display: flex; align-items: center; justify-content: center;">Year</div> </div>
# [Signature] (keep inside the box) →	<div style="border: 2px solid black; width: 300px; height: 150px; margin: 0 auto;"></div>
# (Local returning officer to omit where a person has been granted a waiver)	
<b>We will check this information against our records for security.</b>	

### ① Instructions for voting by post

For your vote to be counted, you must complete and return this postal voting statement with your ballot paper. Make sure you fill in your date of birth \* [and signature].

<b>Election of the Mayor for (insert name of authority) (insert colour) ballot paper</b> • # [On this ballot paper you can vote twice. Vote by putting a cross <input checked="" type="checkbox"/> in the box: – in column 1 next to your <b>first</b> choice candidate, and – in column 2 next to your <b>second</b> choice candidate. • Your first and second choices should be different.] [*Vote for only <b>one</b> candidate by putting a cross <input checked="" type="checkbox"/> in the box next to your choice] # (Local returning officer to amend as appropriate)	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <b>[Optional helpline or e-mail contact details]</b> </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <b>① Deadline:</b> we must receive your postal vote by 10pm on [day/ date of poll]. If you miss the post, you can hand it in at our office or at any polling station in your local authority before <b>10pm on [day/date of poll]</b>.         </div> <div style="border: 1px solid black; padding: 5px;"> <b>① Getting help</b>          If you need help to vote, you can ask someone you know or get independent help by phoning the helpline. The person helping you must not tell anyone how you voted. If you make a mistake, you can get a replacement postal vote. Contact us straight away as we can <b>only issue a replacement before 5pm on [day] [date] [name of month]</b>. You will need to return all the contents of this postal voting pack to us.         </div>
<b>Election of the Police and Crime Commissioner for (insert name of police area) police area (insert colour) ballot paper</b> • # [On this ballot paper you can vote twice. Vote by putting a cross <input checked="" type="checkbox"/> in the box: – in column 1 next to your <b>first</b> choice candidate, and – in column 2 next to your <b>second</b> choice candidate. • Your first and second choices should be different.] [*Vote for only <b>one</b> candidate by putting a cross <input checked="" type="checkbox"/> in the box next to your choice] # (Local returning officer to amend as appropriate)	

Do not mark your ballot papers in any other way or your vote may not count.

\*(Local returning officer to omit where a person has been granted a waiver)

After receiving this postal vote, you cannot vote in person at a polling station in this election.

**It is an offence to vote more than once in each of these elections unless you are voting on your own behalf and as a proxy for another person.** The Local Returning Officer issued this statement.



## Form 4

Combination with mayoral election only: postal voting statement where proceedings on issue and receipt of postal ballot papers not combined

<b>Postal voting statement</b>	Other unique identifying marks
Voting on [day] [date] [name of month] [year]	
Election of the Police and Crime Commissioner for (insert name of police area) police area	

\*[Name] ..... Ballot paper number: .....

\*Local returning officer to insert name but omit where sent to an anonymous elector.

- Check** that the number on the back of your ballot paper matches the number shown above.  
If it does not match, contact us straight away on (insert helpline number).  
**It is an offence to vote using a ballot paper that was not sent to you.**
- Complete your declaration.** I confirm that the ballot paper with the number shown above was sent to me.

My date of birth is: (use numbers) →

Day                  Month                  Year

#[Signature] →

(keep inside the box)

#(Local returning officer to omit where a person has been granted a waiver)

**We will check this information against our records for security.**

<b>Instructions for voting by post</b>	
<p>For your vote to be counted, you must complete and return this postal voting statement with your ballot paper for the Police and Crime Commissioner election. Make sure you fill in your <b>date of birth</b> <b>*[and signature]</b>.</p>	
<p><b>Election of the Police and Crime Commissioner for</b> (insert name of police area) police area (insert colour) ballot paper</p> <ul style="list-style-type: none"> <li>• #[On this ballot paper you can vote twice. Vote by putting a cross [X] in the box: <ul style="list-style-type: none"> <li>– in column 1 next to your <b>first choice</b> candidate, and</li> <li>– in column 2 next to your <b>second choice</b> candidate.</li> </ul> </li> <li>• Your first and second choices should be different.]</li> </ul> <p>[*Vote for only <b>one</b> candidate by putting a cross [X] in the box next to your choice]</p> <p># (Local returning officer to attend as appropriate)</p>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>[Optional helpline or e-mail contact details]</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p><b>ⓘ Deadline:</b> we must receive your postal vote by <b>10pm on [day/date of poll]</b>. If you miss the post, you can hand it in at our office or at any polling station in your police area before <b>10pm on [day/date of poll]</b>.</p> </div>
<p>Do not mark it in any other way or your vote may not count.</p> <p><small>*[Local returning officer to omit where a person has been granted a waiver]</small></p> <p>After receiving this postal vote, you cannot vote in person at a polling station in this election.</p>	
<p><b>ⓘ Getting help</b></p> <p>If you need help to vote, you can ask someone you know or get independent help by phoning the helpline. The person helping you must not tell anyone how you voted.</p> <p>If you make a mistake, you can get a replacement postal vote. Contact us straight away as <b>we can only issue a replacement before 5pm on [day] [date] [name of month]</b>. You will need to return all the contents of this postal voting pack to us.</p>	
<p><b>It is an offence to vote more than once in this election unless you are voting on your own behalf and as a proxy for another person. The Local Returning Officer issued this statement.</b></p>	

## Form 5

**Statement of the number of postal ballot papers issued**

Election of the Police and Crime Commissioner for (insert name of police area) police area

Voting area .....

Date of poll ..... 20 .....

<b>A Issue of postal ballot papers</b>	<b>Number</b>
1. Total number of postal ballot papers issued under paragraph 36 of Schedule 2	
2. Total number of postal ballot papers issued under paragraphs 41 (spoilt and returned for cancellation) and 42 (lost or not received) of Schedule 2	
3. Total number of postal ballot papers cancelled under paragraph 41 (where the first ballot paper was cancelled and retrieved) of Schedule 2	
4. Total number of postal ballot papers issued (items 1 to 3)	

<b>B(1) Receipt of and replacement postal ballot papers</b>	<b>Number</b>
5. Number of covering envelopes received by the local returning officer or at a polling station before the close of poll (excluding any dealt with in the manner provided for by paragraph 41 or 42 of Schedule 2)	
6. Number of covering envelopes received by the local returning officer after the close of poll, excluding any returned as undelivered	
7. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued	
8. Number of postal ballot papers identified as lost or not received in time for another ballot paper to be issued	
9. Number of postal ballot papers cancelled and retrieved in time for another ballot paper to be issued	
10. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued	
11. Number of covering envelopes returned as undelivered (up to the 10th day after the date of the poll)	
12. Number of covering envelopes not received by the local returning officer (by the 10th day after the date of the poll)	
13. Total of numbers for items 5 to 12 (This should be the same as that in item 4)	
14. Number of postal ballot papers replaced as lost or not received but not returned for cancellation	

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Police and Crime Commissioner Elections Order 2012 No. 1917

<b>B(2) Receipt of postal ballot papers – Personal identifiers</b>	<b>Number</b>
15. Number of covering envelopes set aside for the verification of personal identifiers on postal voting statements	
16. Number of postal voting statements not subject to verification procedure rejected as not completed (excluding prior cancellations)	
17. Number of postal voting statements subject to verification procedure rejected as not completed (excluding prior cancellations)	
18. Number of postal voting statements rejected following verification procedures due to the personal identifiers on the postal voting statement not matching those in the personal identifiers record (excluding prior cancellations)	

<b>C Count of postal ballot papers</b>	<b>Number</b>
19. Number of ballot papers returned by postal voters which were included in the count of ballot papers	
20. Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under paragraph 41, 42 or 54 of Schedule 2 are not rejections and should be included in items 2, 3, 7, 8 and 9)	

Date ..... Signed .....

Local Returning Officer

Address .....

*A completed statement must be provided by the local returning officer to the Secretary of State and the Electoral Commission during the period of 6 days which starts 10 days after the poll*