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## STATUTORY INSTRUMENTS

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**2006 No. 3305**

# REPRESENTATION OF THE PEOPLE, ENGLAND AND WALES

## The Local Elections (Parishes and Communities) (England and Wales) Rules 2006

*Made - - - - 12th December 2006*

*Laid before Parliament 12th December 2006*

*Coming into force in accordance with rule 1(2)*

The Secretary of State makes the following Rules in exercise of the powers conferred upon him by section 36(2) of the Representation of the People Act 1983 <sup>M1</sup>.

In accordance with section 7(1) and (2)(d) of the Political Parties, Elections and Referendums Act 2000 <sup>M2</sup> he has consulted the Electoral Commission.

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### Marginal Citations

**M1** [1983 c.2](#)

**M2** [2000 c.41](#)

### Citation, commencement, extent and revocations

1.—(1) These Rules may be cited as The Local Elections (Parishes and Communities) (England and Wales) Rules 2006.

(2) These Rules come into force on 2 January 2007 except for the purposes of an election if the last date for the publication of the notice of election for that election was, or will be, prior to 27 March 2007.

(3) These Rules do not extend to Scotland or Northern Ireland.

(4) Subject to paragraph (2), the Rules specified in Schedule 1 to these Rules are revoked.

### Interpretation

2.—(1) In these Rules,

“1983 Act” means the Representation of the People Act 1983;

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“the Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 <sup>M3</sup>;

“counting observer” shall have the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 <sup>M4</sup>;

“counting officer” shall have the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

“European Parliamentary election” shall have the same meaning as in section 27(1) of the Representation of the People Act 1985 <sup>M5</sup>;

“local counting area” shall have the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004 <sup>M6</sup>;

“mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 <sup>M7</sup>;

“petition organiser” shall have the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 <sup>M8</sup>;

“polling observer” shall have the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

“principal area” means, in England, a county or district and, in Wales, a county or county borough;

“referendum” means a referendum conducted under the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

“voting area” shall have the same meaning as in regulation 2 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001.

(2) In these Rules, “relevant election or referendum” means one or more of the following—

- (a) a Parliamentary election <sup>M9</sup>;
- (b) a European Parliamentary election;
- (c) another local government election;
- (d) a mayoral election; and
- (e) a referendum,

the poll at which is taken together with the poll at the parish or community election.

(3) In the case of a referendum, a reference to—

- (a) a “candidate” shall be construed as a reference to a petition organiser;
- (b) an “election agent” or a “counting agent” shall be construed as a reference to a counting observer;
- (c) a “polling agent” shall be construed as a reference to a polling observer; and
- (d) a “returning officer” shall be construed as a reference to a counting officer.

(4) Any reference in these Rules to a district shall be construed as a reference to a county in the case of a county in which there are no district councils.

#### Marginal Citations

**M3** [S.I. 2004/294](#) as amended by [S.I. 2006/3278](#).

**M4** [S.I. 2001/1298](#), which was amended by [S.I. 2004/226](#).

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- M5** 1985 c.50. Subsection (1) of section 27 was amended by the [European Communities \(Amendment\) Act 1986 \(c.58\)](#), [section 3\(1\)](#). The definition of the European Assembly was repealed by the Schedule to that Act on the entering into force of the Single European Act (Cmnd. 9758) on 1 July 1987.
- M6** [S.I. 2004/293](#)
- M7** [S.I. 2002/185](#) as amended by [S.I. 2004/225](#).
- M8** [S.I. 2000/2852](#)
- M9** For the definition of “Parliamentary election”, see the [Interpretation Act 1978 \(c.30\)](#), [Schedule 1](#).

## Elections Rules

**3.** In the application of the parliamentary elections rules to the election of councillors of the council of a parish or community where the poll at that election is not taken together with the poll at another election under section 36(3), (3AB) or (3AC) of the 1983 Act <sup>M10</sup> or section 15(1) or (2) of the Representation of the People Act 1985 <sup>M11</sup>, adaptations, alterations and exceptions shall be made to those rules so that the election shall be conducted in accordance with the Rules set out in Schedule 2 to these Rules.

### Marginal Citations

- M10** [Section 36\(3\)](#) was substituted for subsection (3) as originally enacted, by section 17 of the [Representation of the People Act 1985 \(c.50\)](#) and further amended by paragraph 68(8) of Schedule 16 to the [Local Government \(Wales\) Act 1994 \(c.19\)](#) and subsection (3AB) was inserted by paragraph 68(8) of Schedule 16; subsection (3AC) was inserted by paragraph 17 of Schedule 3 to the [Local Government and Rating Act 1997 \(c.19\)](#).
- M11** [1985 c.50](#)

## Combination of polls

**4.** Where the poll at an election of councillors to the council of a parish or community is to be taken together with the poll at a relevant election or referendum, <sup>M12</sup> the Rules set out in Schedule 2 shall apply to the parish or community election as shown modified in Schedule 3.

### Marginal Citations

- M12** Provisions as to the combination of polls at elections, including parish or community elections, are contained in section 36 of the [Representation of the People Act 1983 \(c.2\)](#) (“the 1983 Act”), section 15 of the [Representation of the People Act 1985 \(c.50\)](#), the [Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2001 \(S.I. 2001/1298\)](#) and the [Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2002 \(S.I. 2002/185\)](#).

## Filling of casual vacancies

**5.—(1)** A request may be made in accordance with paragraph (2) for an election to fill a casual vacancy in the office of a parish or community councillor.

(2) Any request must be made—

- (a) to the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate,
- (b) by 10 persons who are named on the register in use at the time of the request as local government electors for the electoral area in which the vacancy has occurred, and

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(c) within 14 days (computed in accordance with rule 2 of the elections rules in Schedule 2 to these Rules) after public notice of the vacancy has been given in accordance with section 87(2) of the Local Government Act 1972 <sup>M13</sup>.

(3) An election must be held, if requested in accordance with paragraph (2), if the casual vacancy in the office of the parish or community councillor occurs other than within six months before the day on which that councillor would regularly have retired.

(4) Where a casual vacancy in any such office is required to be filled by election, the election must be held on a day appointed by the returning officer, being a day falling within the period of 60 days (so computed) beginning with the day on which public notice of the vacancy was given.

(5) Subject to paragraph (6) below, where a casual vacancy in any such office is not required to be filled by election, the parish or community council must, as soon as practicable after the expiry of the period of 14 days referred to in paragraph (2)(c), co-opt a person to fill the vacancy.

(6) In the case of a casual vacancy occurring in the office of a parish or community councillor within six months before the day on which that councillor would regularly have retired, paragraph (5) shall have effect with the substitution of the word “may” for “must”; and any vacancy not so filled must be filled at the next ordinary election.

#### Marginal Citations

**M13** [1972 c.70](#)

#### Modification of the 1983 Act

**6.** In the application of those provisions of the 1983 Act referred to in section 187(1) of that Act <sup>M14</sup> to an election of parish or community councillors or an election of the chairman of a parish or community council the following modifications shall have effect—

- (a) for any reference to the proper officer of the authority there shall be substituted a reference to the returning officer, and
- (b) in section 136(2)(b) of that Act <sup>M15</sup> for the words “£2,500” there shall be substituted “£1,500”.

#### Marginal Citations

**M14** [Section 187\(1\)](#) was amended by paragraph 64 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#) and by paragraph 124 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#).

**M15** [Section 136\(2\)](#) was amended by paragraph 48 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#) and by paragraph 19(4) of Schedule 18 to the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#).

#### Form of declaration

**7.** A declaration as to election expenses at an election of parish or community councillors must be in the form in Schedule 4 to these Rules, or a form to the like effect.

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Signed by authority of the Secretary of State,

Department for Constitutional Affairs  
12th December 2006

*Bridget Prentice*  
Parliamentary Under Secretary of State

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## SCHEDULE 1

Rule 1(4)

## Revocations

## Rules Revoked

<b><i>S.I. number</i></b>	<b><i>Rules</i></b>
S.I. 1986/2215	The Local Elections (Parishes and Communities) Rules 1986
S.I. 1987/260	The Local Elections (Parishes and Communities) (Amendment) Rules 1987
S.I. 1990/157	The Local Elections (Parishes and Communities) (Amendment) Rules 1990
S.I. 1998/585	The Local Elections (Parishes and Communities) (Amendment) Rules 1998
S.I. 1999/395	The Local Elections (Parishes and Communities) (Amendment) Rules 1999
S.I. 2001/80	The Local Elections (Parishes and Communities) (Amendment) Rules 2001
S.I. 2004/224	The Local Elections (Parishes and Communities) (Amendment) (England and Wales) Rules 2004
S.I.2004/1040	The Local Elections (Parishes and Communities) (Amendment) (No. 2) (England and Wales) Rules 2004
S.I.2006/390	Rule 3 of The Local Elections (Principal Areas and Parishes and Communities) (England and Wales) (Amendment) Rules 2006

## SCHEDULE 2

Rule 3

Rules for Conduct of an Election of Councillors of a Parish or Community where Poll is not taken together with Poll at another Election

**PART 1**

## Provisions as to Time

**Timetable**

1. The proceedings at the election shall be conducted in accordance with the following Table.

## Timetable

<b><i>Proceedings</i></b>	<b><i>Time</i></b>
Publication of notice of election	Not later than the twenty-fifth day before the day of election.

Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election.
Publication of statement as to persons nominated	Not later than noon on the seventeenth day before the day of election.
Delivery of notices of withdrawals of candidature	Not later than noon on the sixteenth day before the day of election.
Notice of poll	Not later than the sixth day before the day of election.
Polling	Between the hours of 7 in the morning and 10 at night on the day of election.

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### Computation of time

2.—(1) In computing any period of time for the purposes of the Timetable—

- (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,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 <sup>M16</sup> in England and Wales.

#### Marginal Citations

M16 1971 c. 80

## PART 2

### Stages Common to Contested and Uncontested Elections

#### Notice of election

3.—(1) The returning officer must publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

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### **Nomination of candidates**

4.—(1) Each candidate must be nominated by a separate nomination paper, in the form in the Appendix, delivered at the place fixed for the purpose by the returning officer.

(2) The nomination paper must state the candidate's—

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname must be placed first in the list of names.

(3) If a candidate commonly uses—

- (a) a surname which is different from any other surname he has, or
- (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) The description, if any, must not exceed 6 words in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

### **Nomination papers: name of registered political party**

5.—(1) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party in relation to the electoral area and the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party, and
- (b) received by the returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1.

(2) In paragraph (1) an authorised description may be either—

- (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000 <sup>M17</sup>, or
- (b) a description of the party registered under section 28A of that Act <sup>M18</sup>.

(3) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of each of the parties, and
- (b) received by the returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1.

(4) For the purposes of paragraph (3), a description is a registered description if it is a description registered for use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000 <sup>M19</sup>.

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's nominating officer.

(6) For the purposes of the application of this rule in relation to an election—

- (a) “registered political party” means a party which was registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election;



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- (b) a registered political party is a qualifying party in relation to an electoral area if the electoral area is in England or Wales and the party was on the relevant day registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act.
- (7) For the purposes of paragraph (6)(a) of this rule, any day falling within rule 2(1) must be disregarded.

#### **Marginal Citations**

- M17** Section 28 of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) was amended by [S.I. 2004/366](#) and by section 48 of the [Electoral Administration Act 2006 \(c.22\)](#).
- M18** Section 28A of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) was inserted by section 49(1) of the [Electoral Administration Act 2006 \(c.22\)](#).
- M19** Section 28B of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) was inserted by section 49(1) of the [Electoral Administration Act 2006 \(c.22\)](#).

#### **Subscription of nomination paper**

- 6.—(1) The nomination paper must be subscribed by two electors as proposer and seconder.
- (2) Where a nomination paper has the signatures of more than the required number of persons as proposing or seconding the nomination of a candidate, the signature appearing first on the paper in each category must be taken into account to the exclusion of any others in that category.
- (3) The nomination paper must give the electoral number of each person subscribing it.
- (4) The returning officer—
  - (a) must supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and
  - (b) must at any elector's request prepare a nomination paper for signature,but it is not necessary for a nomination or consent to nomination to be on a form supplied by the returning officer.
- (5) A person must not subscribe more nomination papers than there are vacancies to be filled in the electoral area; nor subscribe any nomination paper in respect of an election in any other ward of the same parish or community whilst the election in the first-mentioned ward is taking place: Provided that a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.
- (6) If a person subscribes any nomination paper in contravention of paragraph (5), his signature shall be inoperative on all but those papers (up to the permitted number) which are first delivered.
- (7) In this rule “elector”—
  - (a) means a person who is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of the election, and
  - (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
- (8) But, in this rule, “elector” does not include a person who has an anonymous entry in the register.

#### **Consent to nomination**

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

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- (a) is given in writing on or within one month before the last day for the delivery of nomination papers,
- (b) is in the form in the Appendix, or a form to the like effect, and includes a copy of sections 80 and 81 of the Local Government Act 1972 <sup>M20</sup> and section 79 of the Local Government Act 2000 <sup>M21</sup>,
- (c) is attested by one witness, and
- (d) is delivered at the place and within the time for the delivery of nomination papers.

#### Marginal Citations

**M20** 1972 c.70. Section 80 has been amended by the [Local Government Act 2000 \(c.22\)](#) Schedule 3 paragraph 8, Schedule 5 paragraph 8 and Schedule 6; the [Local Government and Housing Act 1989 \(c.42\)](#) Schedule 11 paragraph 21, Schedule 12 Part 2 and Schedule 14 paragraph 3; the [Enterprise Act 2002 \(c.40\)](#) section 267(1); the [Local Government Finance Act 1982 \(c.32\)](#), **Schedule 6 Part 4**; the [Representation of the People Act 1983 \(c.2\)](#) Schedule 8 paragraph 12; the [Audit Commission Act 1998 \(c.18\)](#) Schedule 3 paragraph 3(1); the [Greater London Authority Act 1999 \(c. 29\)](#) section 69; the [Environment Act 1995 \(c. 25\)](#) Schedule 10 paragraph 10(1); the [Transport Act 1985 \(c.67\)](#) Schedule 8. It has also been amended by S.I. 1999/2267, 2001/2237 and 2002/808. Section 81 has been amended by the [Local Government Act 1985 \(c.51\)](#) Schedule 17 and the [Education Reform Act 1988 \(c.40\)](#) Schedule 13 Part 2.

**M21** 2000 c.22. Section 79 has been amended by the [Public Services Ombudsman \(Wales\) Act 2005 \(c.10\)](#), **Schedule 4 paragraphs 1** and 20.

#### Decisions as to validity of nomination papers

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

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

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

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

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

(4) If in the returning officer's opinion a nomination paper breaks rule 5(1) or (3), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.

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

(6) The returning officer must send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Publication of statement of persons nominated**

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

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

(3) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the returning officer thinks—

(a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or

(b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

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

### **Correction of minor errors**

**10.**—(1) A returning officer may, if he thinks fit, at any time before the publication under rule 9 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

(a) errors as to a person's electoral number;

(b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by a returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

(4) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

### **Inspection of nomination papers and consents to nomination**

**11.** During ordinary office hours on any day, other than a day specified in rule 2(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

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### **Nomination in more than one ward**

12. A candidate who is validly nominated for more than one ward of the same parish or community must withdraw from his candidature in all those wards except one, and if he does not so withdraw, he shall be deemed to have withdrawn from his candidature in all those wards.

### **Withdrawal of candidates**

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

- (a) signed by him and attested by one witness, and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if—

- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom; or
- (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

### **Method of election**

14.—(1) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules exceeds the number of councillors to be elected, a poll must be taken in accordance with Part 3 of these Rules.

(2) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules does not exceed the number of councillors to be elected, such person or persons must be declared to be elected in accordance with Part 4 of these Rules.

## **PART 3**

### **Contested Elections**

#### **CHAPTER 1**

#### **General Provisions**

### **Poll to be taken by ballot**

15. The votes at the poll must be given by ballot, the result must be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, must be declared to have been elected.

### **The ballot papers**

16.—(1) The ballot of every voter must consist of a ballot paper, and the persons remaining validly nominated for the electoral area after any withdrawals under these Rules, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper must be in the form in the Appendix, and must be printed in accordance with the directions in that Appendix, and—

- (a) must contain the names and other particulars of the candidates as shown in the statement of persons nominated;
- (b) must be capable of being folded up; and
- (c) must have a number and other unique identifying mark printed on the back.

(3) If a candidate who is the subject of a party's authorisation under rule 5(1) so requests, the ballot paper must contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The candidate's request under paragraph (3) must—

- (a) be made in writing to the returning officer, and
- (b) be received by him before the last time for the delivery of nomination papers set out in the Table in rule 1.

(5) The order of the names in the ballot paper must be the same as in the statement of persons nominated.

#### **The corresponding number list**

17.—(1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 22(1) or provided by him in pursuance of rule 26(1).

(2) The list must be in the appropriate form in the Appendix or a form to like effect.

#### **The official mark**

18.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at elections for the same parish or community.

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

#### **Prohibition of disclosure of vote**

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

#### **Use of schools and public rooms**

20.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

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

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## CHAPTER 2

### Action to be Taken Before the Poll

#### Notice of poll

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

- (a) the day and hours fixed for the poll;
- (b) the number of councillors to be elected;
- (c) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated); and
- (d) the names of the proposer and seconder signing a candidate's nomination paper.

(2) Where a candidate is nominated by more than one nomination paper, the nomination paper referred to in paragraph (1)(d) must be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken.

(3) The returning officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

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

and he must as soon as practicable after giving such a notice give a copy of it to each of the election agents (if appointed).

#### Postal ballot papers

**22.**—(1) The returning officer must, in accordance with regulations made under the 1983 Act<sup>M22</sup>, issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to like effect together with such envelopes for their return as may be prescribed by such regulations.

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

- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

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

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

#### Marginal Citations

**M22** See the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [2006/2910](#).

### **Provision of polling stations**

**23.**—(1) The returning officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the electors to the polling stations in such manner as he thinks most convenient.

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

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral area must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral area.

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

### **Appointment of presiding officers and polling clerks**

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

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

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

**25.**—(1) Where the poll at a parish or community election is not to be taken together with the poll at some other election, the council of the parish or community may, not later than noon on the nineteenth day before the day of election, request the returning officer to issue official poll cards for that election.

(2) Where the returning officer receives a request under paragraph (1) he must as soon as practicable send to electors and their proxies an official poll card.

(3) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

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

- (a) the name of the council and, where appropriate, of the ward to which councillors are to be elected;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station;
- (d) such other information as the returning officer thinks appropriate,

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

(5) In the case of an elector with an anonymous entry—

- (a) the returning officer must issue an official poll card in the appropriate form in the Appendix to every such elector or to his proxy (if appointed) whether or not the local council of the parish or community make the request mentioned in paragraph (1);

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- (b) instead of containing the elector's name and qualifying address, the polling card must contain the elector's number on the register and such other matter as is specified in the appropriate form in the Appendix; and
  - (c) the official poll card must be sent in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry in the register.
- (6) Paragraph (7) of rule 6 shall apply for the interpretation of this rule.

### Equipment of polling stations

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

(2) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

(3) The returning officer must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register of electors for the electoral area or such part of it as contains the names of the electors allotted to the station;
- (c) the parts of any special lists prepared for the election corresponding to the register of electors for the electoral area or the part of it provided under sub-paragraph (b);
- (d) a list consisting of that part of the list prepared under rule 17 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act <sup>M23</sup> in respect of alterations to the register.

(5) The returning officer must also provide each polling station with—

- (a) at least one large version of the ballot paper which must be displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) and a device of such description as is set out in paragraph (9) for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 37(1)).

(6) A notice in the form in the Appendix, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(7) The returning officer may also provide copies of the notice mentioned in paragraph (6) in Braille or translated into languages other than English as he considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(8) In every compartment of every polling station there must be exhibited the notice “[Vote for no more than ... candidates] [Vote for ONE candidate only]. Put no other mark on the ballot paper, or your vote may not be counted.”.

(9) The device referred to in paragraph (5)(b) must—

- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device easily and without damage to the paper;
- (b) hold the ballot paper firmly in place during use; and
- (c) provide suitable means for the voter to—
  - (i) identify the spaces on the ballot paper on which he may mark his vote;



- (ii) identify the candidate to which each such space refers; and
- (iii) mark his vote on the space he has chosen.

#### Marginal Citations

**M23** Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11(3) of the [Electoral Administration Act 2006 \(c.22\)](#). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the [Electoral Administration Act 2006 \(c.22\)](#).

### Appointment of polling agents and counting agents

**27.—(1)** Subject to paragraphs (3) and (4), each candidate may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
- (b) counting agents to attend at the counting of the votes.

(2) The same person may be appointed as a polling agent or counting agent by more than one candidate.

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

(4) The returning officer may limit the number of counting agents, so however that—

- (a) the number must be the same in the case of each candidate; and
- (b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

For the purposes of the calculations required by this paragraph, a counting agent who has been appointed for more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(5) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the candidate to the returning officer and must be so given not later than the fifth day (disregarding any day referred to in rule 2(1)) before the day of the poll.

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

(7) In the following provisions of these Rules references to polling agents and counting agents shall be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted numbers.

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

(9) A candidate may himself do any act or thing which his polling or counting or election agent, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

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

### Notification of requirement of secrecy

- 28.** The returning officer must make such arrangements as he thinks fit to ensure that—
- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act <sup>M24</sup>, and
  - (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.

#### Marginal Citations

**M24** Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#); subsection (6) was amended by paragraph 3 of Schedule 3 to the [Representation of the People Act 1985 \(c.50\)](#).

### Return of postal ballot papers

- 29.—**(1) Where—
- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
  - (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the returning officer must mark the list in the manner prescribed by regulations made under the 1983 Act <sup>M25</sup>.

(2) Rule 45(3) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

#### Marginal Citations

**M25** See regulation 84A of the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#) as inserted by [S.I. 2006/2910](#).

## CHAPTER 3

### The Poll

### Admission to the polling station

- 30.—**(1) The presiding officer must exclude all persons from the polling station except—
- (a) voters;
  - (b) persons under the age of 18 who accompany voters to the polling station;
  - (c) the candidates and their election agents (if appointed);

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- (d) the polling agents appointed to attend at the polling station;
  - (e) the clerks appointed to attend at the polling station;
  - (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 <sup>M26</sup>;
  - (g) the constables on duty; and
  - (h) the companions of voters with disabilities.
- (2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.
- (3) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.
- (4) A constable or person employed by a returning officer must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the form in the Appendix or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.
- (5) Any certificate surrendered under this rule must forthwith be cancelled.

#### Marginal Citations

**M26** Sections 6A to 6F of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) were inserted by section 29 of the [Electoral Administration Act 2006 \(c.22\)](#).

#### Keeping of order in station

- 31.**—(1) It is the presiding officer's duty to keep order at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—
- (a) by a constable in or near that station, or
  - (b) by any other person authorised in writing by the returning officer to remove him,
- and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.
- (3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (4) The powers conferred by this rule must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

#### Sealing of ballot boxes

**32.** Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up if it has a lock and (in any case) place his seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in his view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

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### Questions to be put to voters

33.—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following Table—

- (a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column, and
- (b) must be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put:

<b><i>Q. No.</i></b>	<b><i>Person applying for ballot paper</i></b>	<b><i>Question</i></b>
1	A person applying as an elector	(a)—Are you the person registered in the register of local government electors for this election as follows? <i>read the whole entry from the register</i> [R] (b)—Have you already voted at this election for *(this parish) *(this community), <i>*delete whichever is inapplicable</i> <i>(adding, in the case of an election for several wards, in this or any other ward)</i> otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a)—Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] (b)—Have you already voted at this election for *(this parish) *(this community), <i>*delete whichever is inapplicable</i> <i>(adding in the case of an election for several wards, in this or any other ward)</i> as proxy on behalf of C.D.? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]
3	A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)	(a)—Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is ( <i>read out the number</i> )? [R] (b)—Have you already voted as proxy on behalf of the elector whose number on the register of electors is ( <i>read out the number</i> )? [R] (c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is ( <i>read out the number</i> )? [R]
4	A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you already voted at this election in *(this parish) *(this community) <i>*delete whichever is inapplicable</i> <i>(adding in the case of an election for several wards, in this or any other ward)</i> on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]

- 5 A person applying as an elector in relation to whom there is an entry in the postal voters list (a)—Did you apply to vote by post? (b)—Why have you not voted by post?
- 6 A person applying as proxy who is named in the postal voters list (a)—Did you apply to vote by post as proxy? (b)—Why have you not voted by post as proxy?

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(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register shall be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

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

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

### Challenge of voter

- 34.** A person must not be prevented from voting by reason only that—
- (a) a candidate or his polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
  - (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

### Voting procedure

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

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 26(3)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received;
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act<sup>M27</sup>, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and

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must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

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

#### Marginal Citations

**M27** Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11(3) of the [Electoral Administration Act 2006 \(c.22\)](#). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the [Electoral Administration Act 2006 \(c.22\)](#).

#### Votes marked by presiding officer

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

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

must, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called “the list of votes marked by the presiding officer”). In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for “on the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

#### Voting by persons with disabilities

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

- (a) blindness or other disability, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
  - (i) is a qualified person within the meaning of this rule, and
  - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

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the presiding officer must grant the application, and then anything which is by these Rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote, if that person—

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters with disabilities assisted by companions”). In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The declaration made by the companion—

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

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

### **Tendered ballot papers: circumstances where available**

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

- (a) a particular elector named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

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(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

### **Tendered ballot papers: general provisions**

**39.**—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

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

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

(4) In the case of an elector who has an anonymous entry, this rule and rule 38 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) of this rule, the references to the name of the voter shall be ignored;
- (b) otherwise, a reference to a person named on a register or list shall be construed as a reference to a person whose number appears on the register or list (as the case may be).

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act<sup>M28</sup>, this rule and rule 38 shall apply as if—

- (a) in rule 38(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
- (b) in paragraph (1)(b) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

#### **Marginal Citations**

**M28** Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11(3) of the [Electoral Administration Act 2006 \(c.22\)](#). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the [Electoral Administration Act 2006 \(c.22\)](#).



### **Spoilt ballot papers**

**40.** A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

### **Correction of errors on day of poll**

**41.** The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

### **Adjournment of poll in case of riot**

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

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

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

### **Procedure on close of poll**

**43.—**(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the lists prepared under rule 17 including the parts which were completed in accordance with rule 35(1)(b) (together referred to in these Rules as “the completed corresponding number lists”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 41 (correction of errors on day of poll), and the declarations made by the companions of voters with disabilities,

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

(2) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

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(3) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

## CHAPTER 4

### Counting of Votes

#### Attendance at counting of votes

**44.**—(1) The returning officer must make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and must give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) No person other than—

- (a) the returning officer and his clerks,
- (b) the candidates and one other person chosen by each of them,
- (c) the election agents (if appointed),
- (d) the counting agents,
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 <sup>M29</sup>,

may be present at the counting of the votes, unless permitted by the returning officer to attend.

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the candidates or thought it impracticable to do so.

(4) The returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

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

#### Marginal Citations

**M29** Sections 6A to 6F of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) were inserted by section 29 of the [Electoral Administration Act 2006 \(c.22\)](#).

#### The count

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

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

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- (2) The returning officer must not count the votes given on any ballot papers until—
  - (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
  - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (3) A postal ballot paper must not be taken to be duly returned unless—
  - (a) it is returned in the manner set out in paragraph (4) and reaches the returning officer or any polling station in the electoral area in question before the close of the poll;
  - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (4) and reaches him or such a polling station before that time;
  - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
  - (d) in a case where steps for verifying the date of birth and signature of the elector or proxy have been prescribed by regulations made under the 1983 Act <sup>M30</sup>, the returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).
- (4) The manner in which any postal ballot paper or postal voting statement may be returned—
  - (a) to the returning officer, is by hand or by post;
  - (b) to a polling station, is by hand.
- (5) The returning officer must not count any tendered ballot paper.
- (6) The returning officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (7) The returning officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any counting agent may copy.
- (8) The returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.
- (9) During the time so excluded the returning officer must—
  - (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
  - (b) otherwise take proper precautions for the security of the papers and documents.

#### Marginal Citations

**M30** See regulations 85 and 85A of the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#), which were inserted by [S.I. 2006/2910](#).

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## Re-count

**46.**—(1) A candidate may, if present when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

## Rejected ballot papers

**47.**—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more candidates than the voter is entitled to vote for, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to paragraphs (2) and (3), be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote must be counted.

(3) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be deemed to be void (either wholly or as respects that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(4) The returning officer must—

- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and
- (b) in the case of a ballot paper on which any vote is counted under paragraph (2), endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted;

and must add to the endorsement the words “rejection objected to” if any objection is made by a counting agent to his decision.

(5) The returning officer must draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

- (a) want of official mark;
- (b) voting for more candidates than the voter is entitled to;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or void for uncertainty;

and the statement must record the number of ballot papers rejected in part.

### **Decisions on ballot papers**

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

### **Equality of votes**

**49.** Where after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer must forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

## **PART 4**

### **Final Proceedings in Contested and Uncontested Elections**

#### **Declaration of result**

**50.—(1)** In a contested election, when the result of the poll has been ascertained, the returning officer must forthwith—

- (a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected;
- (b) give notice of the name of each candidate to whom sub-paragraph (a) applies to—
  - (i) the proper officer of the parish or community council, and
  - (ii) the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate; and
- (c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

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

- (a) declare to be elected the person or persons remaining validly nominated;
- (b) give notice of the name of each person to whom sub-paragraph (a) applies to—
  - (i) the proper officer of the parish or community council, and
  - (ii) the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate; and
- (c) give public notice of the name of each such person.

## **PART 5**

### **Disposal of Documents**

#### **Sealing up of ballot papers**

**51.—(1)** On the completion of the counting at a contested election the returning officer must seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

**(2)** The returning officer must not open the sealed packets of—

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- (a) tendered ballot papers,
- (b) the completed corresponding number lists,
- (c) certificates as to employment on duty on the day of the poll, or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

### **Delivery of documents to relevant registration officer**

**52.**—(1) The returning officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 41 and the declarations made by the companions of voters with disabilities,
- (d) the packets of the completed corresponding number lists,
- (e) the packets of certificates as to employment on duty on the day of the poll, and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list.

(2) In this rule and in rules 53, 54 and 55, references to the relevant registration officer are to the registration officer of the local authority in whose area the election is held and in which the parish or community is situate.

### **Orders for production of documents**

**53.**—(1) An order—

- (a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the relevant registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

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

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

as the court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet of completed corresponding number lists or of certificates as to employment

on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

(i) that his vote was given; and

(ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified election—

(a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and

(b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of—

(a) a ballot paper purporting to have been used at any election, and

(b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the election contained the same number as the number written as mentioned in subparagraph (b) of this paragraph.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

### **Retention of documents**

**54.** The relevant registration officer must retain for one year all documents relating to an election forwarded to him in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an order of a county court, a Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

## **PART 6**

### **Death of Candidate**

#### **Countermand or abandonment of poll on death of a candidate**

**55.**—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 of the 1983 Act <sup>M31</sup>apply in respect of any vacancy which remains unfilled.

(2) Where the poll is abandoned by reason of a candidate's death no further ballot papers shall be issued, and the presiding officer at any polling station must take the like steps (so far as not already

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taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as he is required to take on the close of the poll in due course.

(3) The returning officer must dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, subject to paragraphs (4) and (5).

(4) It is not necessary for any ballot paper account to be prepared or verified.

(5) The returning officer must seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(6) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents by the relevant registration officer relating to a poll at an election shall apply to any such documents relating to a poll abandoned by reason of a candidate's death, subject to paragraphs (7) and (8).

(7) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(8) No order is to be made for—

(a) the inspection or production of any ballot papers, or

(b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution.

#### Marginal Citations

**M31** Subsection (1) of section 39 was amended by the [Local Government Act 1985 \(c.51\)](#), [Schedule 17](#), and the [Representation of the People Act 1985 \(c.50\)](#), [section 19\(2\)](#).

## PART 7

### Appendix of Forms

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

— Form of Nomination Paper

Form of Candidate's Consent to Nomination

Form of Front of Ballot Paper

Form of Back of Ballot Paper

Directions as to Printing the Ballot Paper

Corresponding Number List L1

Corresponding Number List L2

Form of Postal Voting Statement

Official Poll Card (to be sent to an elector voting in person)

Official Postal Poll Card (to be sent to an elector voting by post)

Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Form of directions for the guidance of the voters in voting

Form of Certificate of Employment

Form of declaration to be made by the companion of a voter with disabilities



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**Rule 4**

**Parishes and Communities Elections**

Office Use Only

**Form of Nomination Paper**

Date delivered	Time delivered	Initials
----------------	----------------	----------

\*ELECTION OF \*PARISH/COMMUNITY COUNCILLOR(S) for the  
 \*(..... ward of the) \*Parish/Community  
 of.....

Date of election .....

We, the undersigned, being local government electors for the said \*ward/parish/community do hereby nominate the under-mentioned person as a candidate at the said election.

*\*Delete whichever is inappropriate*

Candidate's surname	Other forenames in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any) use no more than six words	Home Address in full

Mr/Mrs/Miss/Ms/Dr  
 Other

Signature	Print Name	Electoral Number	
		Polling District	Number
Proposer .....	.....	.....	.....
Secunder .....	.....	.....	.....

**NOTES**

- The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination papers contained in the election rules in Schedule 2 to the Local Elections (Parishes and Communities) Rules 2006.
- Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
- Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper
- But the ballot paper will show the other name if the returning officer thinks that the use of the commonly used name may
  - be likely to mislead or confuse electors, or
  - that the commonly used name is obscene or offensive.
- An elector may not –
  - subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held; or
  - subscribe a nomination paper for more than one ward in a parish or community divided into wards.
- In this form “elector” –
  - means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of election; and
  - includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
- However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

*\*Delete whichever is inappropriate*

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Rule 7

Parishes and Communities Elections
Form of Candidate's Consent to Nomination

Front of form

Date of election .....

I (name in full).....

Of (home address in full).....

consent to my nomination as a candidate for election as councillor for the \*(..... ward of the) \*parish/community of.....

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community, who has attained the age of 18 years and that
\*Delete whichever is inappropriate

\* (a) I am registered as a local government elector for the area of the \*parish/community of..... in respect of .....(qualifying address in full) and my electoral number (see Note below) is.....; or

\* (b) I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant of the following land or other premises in the \*parish/community [description and address of land or premises] .....; or

\* (c) my principal or only place of work during those 12 months has been in that \*parish/community at [give address of place of work and, where appropriate, name of employer] .....; or

\* (d) I have during the whole of those twelve months resided in that parish/community or within 4.8 kilometres of it at (give address in full) .....
\*Delete whichever is inappropriate

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in section 80 of the Local Government Act 1972; or any decision made under section 79 of the Local Government Act 2000, (copies of which are printed overleaf)

Date of birth .....

Signature .....

Date of consent .....

Signed in my presence

Signature of witness .....

Name and address of witness .....
(WRITE CLEARLY)

Notes

- 1. A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered).
2. A candidate who is qualified by more than one qualification may complete any of those that may apply.

Back of form

Set out sections 80 and 81 of the Local Government Act 1972 and section 79 of the Local Government Act 2000 (as amended from time to time).

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Parishes and Communities Elections

Rule 16

**Form of Front of Ballot Paper**

**VOTE FOR NO MORE THAN ..... CANDIDATES**

1	<b>BASWRA</b> Parish Baswra 20 Kincaide Road, Small Heath, Birmingham B10 9JG Liberal Democrat		
2	<b>CRANLEY</b> Alana Cranley 4 Kennil Road, Perry Bar, Birmingham B32 5JJ Green Party		
3	<b>EDGBASTON</b> Richard Edgbaston 6 Tagwood Lane, Small Heath, Birmingham B10 0BH The Common Good Party		
4	<b>GUNNIL-WALKER</b> Roger Gunnil-Walker 33 Horsemeadow Lane, Sheldon, Birmingham B25 3GD The Labour Party Candidate		
5	<b>SMITH</b> CATHERINE ANGELINA Smith 21 Terminal Grove, Selly Oak, Birmingham B32 5JP Independent		
6	<b>SMITH</b> KEITH JAMES Smith The Links, 3 Kingsdown Road, Birmingham B44 4JN The Conservative Party Candidate		

**Form of Back of Ballot Paper**

Number

Other Unique Identifying Mark

Election for the \*(..... ward of the) \*Parish/Community

of .....

on ..... 20 ..

*\*Delete whichever is inappropriate*

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**Rule 16(2)**

### **Parishes and Communities Elections**

#### **Directions as to Printing the Ballot Paper**

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper:-
  - (a) no word shall be printed on the face except the direction 'VOTE FOR NO MORE THAN..... CANDIDATES' or, where only one candidate is to be elected, 'VOTE FOR ONE CANDIDATE ONLY', the particulars of the candidates and words forming part of emblems;
  - (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand-side and the spaces on the right where the vote is to be marked;
  - (c) the whole space between the top and bottom of the paper shall be equally divided between the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above.

Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of numbers, candidate's particulars and spaces where the vote is to be marked. If the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, in such a case, each column must be separated by a double vertical rule.

3. The direction mentioned in paragraph 2(a) above shall be printed in large capitals.
4. The surname of each candidate shall in all cases be printed by itself in large capitals, and their full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used –
  - (a) if the surname is the same as another candidate's, for their other names; and
  - (b) if the other names are also the same as the other candidate's, either for their home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.
5. Where an emblem is to be printed against a candidate's particulars –
  - (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidate's particulars from the spaces where the vote is to be marked; and
  - (b) its size as printed shall not exceed two centimetres square.
6. The number and other unique identifying mark shall be printed on the back of the ballot paper.



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Rule 17
<b>Corresponding Number List – L2</b> (to be used in polling stations at a Parish or Community election taken alone)
Parish or Community/ Ward: .....
Date of Poll: .....
Polling Station: .....
Sheet No.: .....

Ballot Paper Number	Elector Number

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**Rule 22**

**Form of Postal Voting Statement  
(for use at a Parish or Community election)**

**Postal Voting Statement**

\*Voter's name: ..... Ballot paper No. ....  
*\*(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)*  
[other identifying marks]

**You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.**

I AM THE PERSON THE BALLOT PAPERS NUMBERED ABOVE WERE SENT TO

Date of birth 

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (voter's date of birth)

#Signature 

Signature Here
----------------

 (voter's signature)  
**IMPORTANT – Keep signature within border**

*\*(Returning Officer to omit where a person has been granted a waiver)*

**Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.**

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the Returning Officer  
INSTRUCTIONS TO THE VOTER

**Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below**

[contact details for assistance  
include address as appropriate]

1. You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote(s) will not be counted.
2. [Vote for no more than [...] candidates] [Vote for ONE candidate only]. Do not mark your ballot paper in any other way or your vote(s) may not be counted.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate(s) you are voting for.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. Put the ballot paper in the small envelope marked **A** and seal it.
6. Complete the postal voting statement by signing it, and providing your date of birth.
7. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.
8. **After receiving this postal vote, you cannot vote in person at a polling station at this election.**
9. If you accidentally spoil your ballot paper, you can apply to the Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoiled ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Returning Officer as soon as possible.

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**!** Your ballot paper and the postal voting statement must be received by the Returning Officer by 10pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in your electoral area on polling day.

**Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.**

**It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.**

*#(Returning Officer to omit where a person has been granted a waiver)*



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<b>OFFICIAL POLL CARD</b> (to be sent to an elector voting in person) <i>Front of card</i>		<b>Rule 25</b>
<b>OFFICIAL POLL CARD</b>		
Parish/Community of:  Ward:  Polling Day:  Polling hours: 7 a.m. to 10 p.m.  Your polling station will be:	Number on register:  *Name  ..... *Address  ..... *(Returning Officer to omit where poll card sent to an anonymous elector. Poll card to anonymous elector must be delivered in a sealed envelope.)	
<b>*This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there.</b>  <b>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</b>  <i>Back of card</i>		
<b>LOCAL GOVERNMENT ELECTION</b>		
<p>*When you go to the polling station, tell the clerk your name and address, as shown on the front of the card.</p> <p>*The clerk will confirm your details on the register.</p> <p>When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.</p> <p>[Vote for no more than [...] candidates] [Vote for ONE candidate only]. Do not put any other mark on the ballot paper, or your vote may not be counted.</p> <p>If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p> <p>Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.</p> <p>If you will be away on the date of the poll –</p> <ul style="list-style-type: none"> <li>• You can apply to vote by post. Your application must be received by the Returning Officer before 5pm on [-11 day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this election.</li> <li>• You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5pm on [-6 day/date deadline]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you. In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date deadline]. To change any of your voting arrangements please contact [helpline number] as soon as possible.</li> </ul> <p style="text-align: center;">Issued by the Returning Officer</p> <p>[Where poll card sent to an anonymous elector substitute for the paragraphs marked with * above:-</p> <p><b>You must have this card with you when you vote. You cannot vote without it.</b></p> <p><b>When you go to the polling station, ask to speak to the presiding officer and show them this card.</b></p> <p><b>The presiding officer will confirm your entry on the register].</b></p>		

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<b>OFFICIAL POSTAL POLL CARD</b> <span style="float: right;"><b>Rule 25</b></span> (to be sent to an elector voting by post) <i>Front of card</i>	
<b>OFFICIAL POSTAL POLL CARD</b>	
Parish/Community of:  Ward:  For the election on: [day/date]  Number on Register:  *Name and Address:  *(Returning Officer to omit where poll card sent to an anonymous elector. Poll card to anonymous elector must be delivered in a sealed envelope.)	This notice is to tell you that you have asked to vote by post for this election, and you will not be able to vote in a polling station. If you want to cancel your postal vote please the helpline number shown below before 5pm on [-11 day/date deadline]. <b>We will send your postal voting papers around [day/date].</b> Addressed to: (Name and Address) <b>If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</b>
If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].	
<b>This card is to provide you with information about voting by post.</b> <b>SEE INFORMATION ON THE BACK OF THIS CARD</b> <i>Back of card</i>	
<b>LOCAL GOVERNMENT ELECTION</b>	
When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.  Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Returning Officer please call our helpline on [helpline number].  You must <b>sign</b> the postal voting statement (unless you have been granted a waiver by prior arrangement with the Returning Officer) and <b>provide your date of birth</b> . This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Returning Officer can cross check your signature against other records that they hold.  If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].  Complete and return your postal vote as soon as possible. The Returning Officer must receive your postal vote by 10pm on [day/date of poll]. You can deliver your completed voting papers to any polling station in the electoral area.  If you want to vote in person at these elections, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].  If you need any assistance, please call our helpline on: [helpline number].  <p style="text-align: center;"><b>It is an offence to vote using a ballot paper that was not addressed to you.</b></p>	
Issued by the Returning Officer	

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<b>OFFICIAL PROXY POLL CARD</b> <span style="float: right;"><b>Rule 25</b></span> (to be sent to an appointed proxy voting in person) <i>Front of card</i>	
<b>OFFICIAL PROXY POLL CARD</b>	
Parish/Community of:  Ward:  Polling Day:  Polling hours: <b>7 a.m. to 10 p.m.</b>  Elector's polling station will be:	*This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy.  *Proxy's name ..... *Proxy's address ..... ..... *(Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of anonymous elector must be delivered in a sealed envelope.)
*This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.  <b>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</b> <i>Back of card</i>	
<b>LOCAL GOVERNMENT ELECTION</b>	
*This poll card is to tell you that for this election you are appointed as proxy for: ..... *(Elector's name) ..... *(Elector's address) ..... *(Elector's number on register)	
*When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the voter shown above.  <b>The clerk will confirm the details on the register.</b>  When you are given the ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) the elector is voting for.  <b>[Vote for no more than [...] candidates] [Vote for ONE candidate only]. Do not put any other mark on the ballot paper, or the vote may not be counted.</b>  If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.  Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.  If you will be away on the date of the poll, you can apply before 5pm on [-11 day/date deadline] to vote by post. If you are given a postal vote, you or the elector will <i>not</i> be entitled to vote in person at this election.  The person who appointed you as proxy may vote at this election. If they wish to do so they must vote in person before you vote on their behalf.	

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**It is illegal to do any of the following:**

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote as a proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: [*helpline number*].

Issued by the Returning Officer

[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with \* above:-

**You must have this card with you when you vote, you cannot vote as proxy without it.**

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....  
(Elector's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card].

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<b>OFFICIAL PROXY POSTAL POLL CARD</b> <span style="float: right;"><b>Rule 25</b></span> (to be sent to an appointed proxy voting by post) <i>Front of card</i>	
<b>OFFICIAL PROXY POSTAL POLL CARD</b>	
Parish/Community of:  Ward:  For the election on: [day/date]  Name and Address (Proxy):	This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. <b>You will not be able to vote on behalf of the elector in a polling station.</b> If you want to cancel this postal vote and vote in person on polling day, please call the helpline number shown below before 5pm on [-11 day/date deadline]. <b>We will send the proxy postal voting papers around [day/date].</b>  <b>If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help.</b>
If you lose or accidentally spoil the elector's postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5pm on [day/date of poll].	
<b>This card is to provide you with information about voting by post.</b> <b>SEE INFORMATION ON THE BACK OF THIS CARD</b> <i>Back of card</i>	
<b>LOCAL GOVERNMENT ELECTION</b>	
<p>*This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post.</p> <p>.....                  *(Elector's name)</p> <p>.....                  *(Elector's address)</p> <p>When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.</p> <p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.</p> <p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Returning Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Returning Officer can cross check your signature against other records they hold.</p> <p>If you lose or accidentally spoil the postal ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5pm on [day/date of poll].</p> <p>Complete and return the postal vote as soon as possible. The Returning Officer must receive the postal vote by 10pm on [day/date of poll]. You can deliver your completed voting papers to any polling station in the electoral area/ward.</p> <p>If you want to vote in person as a proxy at these elections, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].</p>	

**Status:** Point in time view as at 02/01/2007.

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**It is illegal to do any of the following:**

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote as a proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: [*helpline number*].

Issued by the Returning Officer

[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with \* above:-

**This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote by post.**

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....  
(Elector's number on register)].

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**Rule 26(6)**

**Parishes and Communities Elections**

**Form of directions for the guidance of the voters in voting**

**GUIDANCE FOR VOTERS**

1. When you are given your ballot paper go to one of the polling booths.
2. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.
3. [Vote for no more than ... candidates] [Vote for ONE candidate only]. Put no other mark on the ballot paper, or your vote(s) may not be counted.
4. Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote.
5. Put the ballot paper in the ballot box and leave the polling station.
6. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

**Rule 30(4)**

**Parishes and Communities Elections**

**Form of Certificate of Employment**

**REPRESENTATION OF THE PEOPLE ACTS**

Election in the \*(..... ward of the)  
\*Parish/Community  
of .....

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

- \* (a) as a constable
- \* (b) by me

Signature .....

\* Returning Officer/Police Officer (Inspector or above)

Date .....

*\*Delete whichever is inappropriate*

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

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**Rule 37**

**Parishes and Communities Elections  
Form of declaration to be made by the companion  
of a voter with disabilities**

I, ..... (name of companion),  
of..... (address of companion)  
having been requested to assist ..... (name of elector)  
*[in the case of a voter with disabilities voting as proxy, adding 'voting as proxy for*  
.....(name of elector)] whose number on the register  
is..... to record their vote at the election now being held in this electoral area',  
hereby declare that

- I am entitled to vote as an elector at the said election
- I am the ' ..... of the said voter and have attained the age of 18 years, and
- I have not previously assisted any voter with disabilities [except.....

(name of other elector), of .....(address of other elector)]  
to vote at the said election.

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

Signed .....(Companion)

Date .....

I, the undersigned, being the presiding officer for ..... (polling station) for the  
..... electoral division/ward of ..... hereby certify  
that the above declaration, having been first read to the above-named companion and was signed by  
the companion in my presence.

Signed ..... (Presiding Officer)

Date .....

Time ..... (am/pm)

**NOTE**

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under local elections rules that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.



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## SCHEDULE 3

Rule 4

Rules for Conduct of an Election of Councillors of a Parish or Community where the Poll is taken together with the Poll at a relevant Election or Referendum

**PART 1**

## Provisions as to Time

**Timetable**

1. The proceedings at the election shall be conducted in accordance with the following Table.

## Timetable

<i>Proceedings</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election.
Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election, except that where the poll at the parish or community election is combined with the poll at a European Parliamentary election, nomination papers may be delivered until 4 in the afternoon.
Publication of statement as to persons nominated	Not later than noon on the seventeenth day before the day of election.
Delivery of notices of withdrawals of candidature	Not later than noon on the sixteenth day before the day of election.
Notice of poll	Not later than the sixth day before the day of election.
Polling	Between the hours of 7 in the morning and 10 at night on the day of election.

**Computation of time**

- 2.—(1) In computing any period of time for the purposes of the Timetable—
- a Saturday or Sunday,
  - Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
  - a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>M32</sup> in England and Wales.

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### Marginal Citations

M32 1971 c.80

## PART 2

### Stages Common to Contested and Uncontested Elections

#### Notice of election

3.—(1) The returning officer must publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice must state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election must state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

#### Nomination of candidates

4.—(1) Each candidate must be nominated by a separate nomination paper, in the form in the Appendix, delivered at the place fixed for the purpose by the returning officer, which must be at the offices of the council of the district in which the electoral area wholly or mainly lies.

(2) The nomination paper must state the candidate's—

- (a) full names,
- (b) home address in full, and
- (c) if desired, description,

and the surname must be placed first in the list of names.

(3) If a candidate commonly uses—

- (a) a surname which is different from any other surname he has, or
- (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) The description (if any) must not exceed six words in length and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

#### Nomination papers: name of registered political party

5.—(1) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party in relation to the electoral area and the description is authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of the party, and

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- (b) received by the returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1.
- (2) In paragraph (1) an authorised description may be either—
  - (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000 <sup>M33</sup>, or
  - (b) a description of the party registered under section 28A of that Act <sup>M34</sup>.
- (3) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the electoral area and the description is a registered description authorised by a certificate—
  - (a) issued by or on behalf of the registered nominating officer of each of the parties, and
  - (b) received by the returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1.
- (4) For the purposes of paragraph (3), a description is a registered description if it is a description registered for use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000 <sup>M35</sup>.
- (5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party's nominating officer.
- (6) For the purposes of the application of this rule in relation to an election—
  - (a) “registered political party” means a party which was registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election;
  - (b) a registered political party is a qualifying party in relation to an electoral area if the electoral area is in England or Wales and the party was on the relevant day registered in respect of that part of England or Wales in the Great Britain register maintained under that Part of that Act.
- (7) For the purposes of paragraph (6)(a) of this rule, any day falling within rule 2(1) must be disregarded.

#### Marginal Citations

**M33** Section 28 of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) was amended by [S.I. 2004/366](#) and by section 48 of the [Electoral Administration Act 2006 \(c.22\)](#).

**M34** Section 28A of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) was inserted by section 49(1) of the [Electoral Administration Act 2006 \(c.22\)](#).

**M35** Section 28B of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) was inserted by section 49(1) of the [Electoral Administration Act 2006 \(c.22\)](#).

#### Subscription of nomination paper

- 6.—(1) The nomination paper must be subscribed by two electors as proposer and seconder.
- (2) Where a nomination paper has the signatures of more than the required number of persons as proposing or seconding the nomination of a candidate, the signature or signatures appearing first on the paper in each category must be taken into account to the exclusion of any others in that category.
- (3) The nomination paper must give the electoral number of each person subscribing it.
- (4) The returning officer—

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- (a) must supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and
- (b) must at any elector's request prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the returning officer.

(5) A person must not subscribe more nomination papers than there are vacancies to be filled in the electoral area; nor subscribe any nomination paper in respect of an election in any other ward of the same parish or community whilst the election in the first-mentioned ward is taking place: Provided that a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first mentioned paper.

(6) If a person subscribes any nomination paper in contravention of paragraph (5), his signature shall be inoperative on all but those papers (up to the permitted number) which are first delivered.

(7) In this rule “elector”—

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

(8) But, in this rule, “elector” does not include a person who has an anonymous entry in the register.

### Consent to nomination

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

- (a) is given in writing on or within one month before the last day for the delivery of nomination papers,
- (b) is in the form in the Appendix, or a form to the like effect, and includes a copy of sections 80 and 81 of the Local Government Act 1972 <sup>M36</sup> and section 79 of the Local Government Act 2000 <sup>M37</sup>,
- (c) is attested by one witness, and
- (d) is delivered at the place and within the time for the delivery of nomination papers.

#### Marginal Citations

**M36** 1972 c.70. Section 80 has been amended by the [Local Government Act 2000 \(c.22\)](#) Schedule 3 paragraph 8, Schedule 5 paragraph 8 and Schedule 6; the [Local Government and Housing Act 1989 \(c.42\)](#) Schedule 11 paragraph 21, Schedule 12 Part 2 and Schedule 14 paragraph 3; the [Enterprise Act 2002 \(c.40\)](#) section 267(1); the [Local Government Finance Act 1982 \(c.32\)](#), **Schedule 6 Part 4**; the [Representation of the People Act 1983 \(c.2\)](#) Schedule 8 paragraph 12; the [Audit Commission Act 1998 \(c.18\)](#) Schedule 3 paragraph 3(1); the [Greater London Authority Act 1999 \(c. 29\)](#) section 69; the [Environment Act 1995 \(c. 25\)](#) Schedule 10 paragraph 10(1); the [Transport Act 1985 \(c.67\)](#) Schedule 8. It has also been amended by S.I. 1999/2267, 2001/2237 and 2002/808. Section 81 has been amended by the [Local Government Act 1985 \(c.51\)](#) Schedule 17 and the [Education Reform Act 1988 \(c.40\)](#) Schedule 13 Part 2.

**M37** 2000 c.22. Section 79 has been amended by the [Public Services Ombudsman \(Wales\) Act 2005 \(c.10\)](#) Schedule 4 paragraphs 1 and 20.

### **Decisions as to validity of nomination papers**

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

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

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

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

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

(4) If in the returning officer's opinion a nomination paper breaks rule 5(1) or (3), he must give a decision to that effect—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.

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

(6) The returning officer must send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Publication of statement of persons nominated**

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

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

(3) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the returning officer thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

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(6) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

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

### **Correction of minor errors**

**10.**—(1) A returning officer may, if he thinks fit, at any time before the publication under rule 9 of the statement of persons nominated, correct minor errors in a nomination paper.

(2) Errors which may be corrected include—

- (a) errors as to a person's electoral number;
- (b) obvious errors of spelling in relation to the details of a candidate.

(3) Anything done by a returning officer in pursuance of this rule shall not be questioned in any proceedings other than proceedings on an election petition.

(4) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.

### **Inspection of nomination papers and consents to nomination**

**11.** During ordinary office hours on any day, other than a day specified in rule 2(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

### **Nomination in more than one ward**

**12.** A candidate who is validly nominated for more than one ward of the same parish or community must withdraw from his candidature in all those wards except one, and if he does not so withdraw, he shall be deemed to have withdrawn from his candidature in all those wards.

### **Withdrawal of candidates**

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

- (a) signed by him and attested by one witness, and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if—

- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom; or
- (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

## **Method of election**

**14.**—(1) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules exceeds the number of councillors to be elected, a poll must be taken in accordance with Part 3 of these Rules.

(2) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these Rules does not exceed the number of councillors to be elected, such person or persons must be declared to be elected in accordance with Part 4 of these Rules.

# **PART 3**

## **Contested Elections**

### **CHAPTER 1**

#### **General Provisions**

### **Poll to be taken by ballot**

**15.** The votes at the poll must be given by ballot, the result must be ascertained by counting the votes given to each candidate and the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected, must be declared to have been elected.

### **The ballot papers**

**16.**—(1) The ballot of every voter must consist of a ballot paper, and the persons remaining validly nominated for the electoral area after any withdrawals under these Rules, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper must be in the form in the Appendix, and must be printed in accordance with the directions in that Appendix, and—

- (a) must contain the names and other particulars of the candidates as shown in the statement of persons nominated;
- (b) must be capable of being folded up;
- (c) must have a number and other unique identifying mark printed on the back; and
- (d) must be of a different colour from that of any ballot papers used at any relevant election or referendum.

(3) If a candidate who is the subject of a party's authorisation under rule 5(1) so requests, the ballot paper must contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The candidate's request under paragraph (3) must—

- (a) be made in writing to the returning officer, and
- (b) be received by him before the last time for the delivery of nomination papers set out in the Table in rule 1.

(5) The order of the names in the ballot paper must be the same as in the statement of persons nominated.

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### **The corresponding number list**

17.—(1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 22(1) or provided by him in pursuance of rule 26(1).

(2) The list must be in the appropriate form in the Appendix or a form to like effect.

### **The official mark**

18.—(1) Every ballot paper must contain an appropriate security marking (the official mark).

(2) The official mark must be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at elections for the same parish or community.

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

### **Prohibition of disclosure of vote**

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

### **Use of schools and public rooms**

20.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or counting the votes—

- (a) a room in a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) a room the expense of maintaining which is payable out of any rate.

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

## **CHAPTER 2**

### **Action to be Taken Before the Poll**

#### **Notice of poll**

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

- (a) the day and hours fixed for the poll;
- (b) the number of councillors to be elected;
- (c) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated); and
- (d) the names of the proposer and seconder signing a candidate's nomination paper.

(2) Where a candidate is nominated by more than one nomination paper, the nomination paper referred to in paragraph (1)(d) must be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken.

(3) The returning officer must, not later than the time of the publication of the notice of the poll, also give public notice of—

- (a) the situation of each polling station; and



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(b) the description of voters entitled to vote there,  
and he must as soon as practicable after giving such a notice give a copy of it to each of the candidates or their election agents (if appointed).

- (4) The notice published under paragraph (3) must—
- (a) state that the poll at the parish or community election is to be taken together with the poll at a relevant election or referendum;
  - (b) specify the parliamentary constituency<sup>M38</sup>, local counting area, voting area or, as the case may be, the relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election is held; and
  - (c) where any of the polls are to be taken together in part of the local government area only, specify that part.

#### Marginal Citations

**M38** For the meaning of “parliamentary constituency”, see [section 1](#) of the [Parliamentary Constituencies Act 1986 \(c.56\)](#).

### Postal ballot papers

**22.**—(1) The returning officer must, in accordance with regulations made under the 1983 Act<sup>M39</sup>, issue to those entitled to vote by post a ballot paper and a postal voting statement in the appropriate form in the Appendix, or a form to like effect together with such envelopes for their return as may be prescribed by such regulations.

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

- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

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

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

#### Marginal Citations

**M39** See the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [2006/2910](#).

### Provision of polling stations

**23.**—(1) The returning officer must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the electors to the polling stations in such manner as he thinks most convenient.

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

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(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral area must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the electoral area.

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

### **Appointment of presiding officers and clerks**

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

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

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these Rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

**25.**—(1) The council of the parish or community may, not later than noon on the nineteenth day before the day of the election, request the returning officer to issue official poll cards for that election.

(2) Where the returning officer receives a request under paragraph (1), he must, as soon as practicable, send to electors and their proxies an official poll card.

(3) An elector's official poll card must be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

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

- (a) the name of the council and, where appropriate, of the ward to which councillors are to be elected;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station.
- (d) such other information as the returning officer thinks appropriate,

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

(5) In the case of an elector with an anonymous entry—

- (a) the returning officer must issue an official poll card in the appropriate form in the Appendix to every such elector or to his proxy (if appointed) whether or not the local council of the parish or community make the request mentioned in paragraph (1);
- (b) instead of containing the elector's name and qualifying address, the polling card must contain the elector's number on the register and such other matter as is specified in the appropriate form in the Appendix; and
- (c) the official poll card must be sent in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry in the register.

(6) Paragraph (7) of rule 6 shall apply for the interpretation of this rule.

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

### Equipment of polling stations

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

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

(3) Every ballot box must be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or, where the box has no lock, the seal being broken.

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

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register of electors for the electoral area or such part of it as contains the names of the electors allotted to the station;
- (c) the parts of any special lists prepared for the election corresponding to the register of electors for the electoral area or the part of it provided under sub-paragraph (b);
- (d) a list consisting of that part of the list prepared under rule 17 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(5) The reference in paragraph (4)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act <sup>M40</sup> in respect of alterations to the register.

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

- (a) at least one large version of the ballot paper which must be printed on the same colour paper as the ballot papers and displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) a device of such description as is set out in paragraph (11) for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 37(1)).

(7) Where notwithstanding paragraph (2) separate ballot boxes are to be used, each ballot box must be clearly marked with—

- (a) the election or referendum to which it relates, as shown on the ballot papers for that election or referendum; and
- (b) the words “Place the [specify colour of ballot papers in question] ballot papers in here”.

(8) A notice in the form in the Appendix, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(9) The returning officer may also provide copies of the notice mentioned in paragraph (8) in Braille or translated into languages other than English as he considers appropriate, provided that these notices are accurate reproductions in Braille or that other language of that notice.

(10) In every compartment of every polling station there must be exhibited the notice—  
\*PARLIAMENTARY ELECTION ([Specify colour] ballot paper) vote for ONE candidate only  
\*EUROPEAN PARLIAMENTARY ELECTION ([specify colour] ballot paper) vote for ONE party or individual candidate only \*[specify name of council .....] COUNCIL ELECTION ([specify colour] ballot paper) \*vote for no more than ... Candidates \*vote for ONE candidate only \*[specify

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other] ELECTION/REFERENDUM ([specify colour] ballot paper) \*[vote for one candidate/answer only]/[vote ONCE for your first choice and ONCE for your second choice] PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED \*Complete or omit as necessary.

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

#### Marginal Citations

**M40** Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the [Representation of the People Act 2000 \(c.2\)](#) and amended by section 11(3) of the [Electoral Administration Act 2006 \(c.22\)](#). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the [Electoral Administration Act 2006 \(c.22\)](#).

#### Appointment of polling and counting agents

**27.—**(1) Subject to paragraphs (3) and (4), each candidate may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
- (b) counting agents to attend at the counting of the votes.

(2) The same person may be appointed as a polling agent or counting agent by more than one candidate.

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

(4) The returning officer may limit the number of counting agents, so however that—

- (a) the number must be the same in the case of each candidate; and
- (b) the number allowed to a candidate must not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

For the purposes of the calculations required by this paragraph, a counting agent who has been appointed for more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(5) Notice in writing of the appointment, stating the names and addresses of the persons appointed, must be given by the candidate to the returning officer and must be so given not later than the fifth day (computed like any period of time in the Timetable) before the day of the poll.

(6) Notices of the appointment of polling agents and counting agents which are required by paragraph (5) above and paragraph (7) below to be given to the returning officer shall be given to that returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations <sup>M41</sup>.

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

(8) In the following provisions of these Rules references to polling agents and counting agents must be taken as references to agents—

- (a) whose appointments have been duly made and notified; and
- (b) where the number of agents is restricted, who are within the permitted numbers.

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

(10) A candidate may himself do any act or thing which any polling or counting or election agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

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

#### Marginal Citations

**M41** [Regulation 5](#) of the Combination of Polls Regulations has been amended by [S.I. 2006/3278](#).

### Notification of requirement of secrecy

**28.** The returning officer must make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of the 1983 Act <sup>M42</sup>; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.

#### Marginal Citations

**M42** Subsections (1), (2) and (3) of section 66 of the 1983 Act were amended by paragraphs 69, 82, 86(b) and 96 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#); subsection (6) was amended by paragraph 3 of Schedule 3 to the [Representation of the People Act 1985 \(c.50\)](#).

### Return of postal ballot papers

**29.—(1)** Where—

- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or

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(b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,  
the returning officer must mark the list in the manner prescribed by regulations made under the 1983 Act <sup>M43</sup>.

(2) Rule 45(5) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

#### Marginal Citations

**M43** See regulation 84A of the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#) as inserted by [S.I. 2006/2910](#).

## CHAPTER 3

### The Poll

#### Admission to polling station

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

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and their election agents (if appointed);
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 <sup>M44</sup>;
- (g) the constables on duty;
- (h) the companions of voters with disabilities; and
- (i) persons entitled to be admitted to the polling station at a relevant election or referendum with which the poll at the parish or community election is combined.

(2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

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

(4) A constable or person employed by a returning officer must not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which must be in the form in the Appendix, or a form to the like effect, and signed by an officer of police of or above the rank of inspector or by the returning officer, as the case may be.

(5) Any certificate surrendered under this rule must forthwith be cancelled.

#### Marginal Citations

**M44** [Sections 6A to 6F](#) of the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#) were inserted by section 29 of the [Electoral Administration Act 2006 \(c.22\)](#).

### Keeping of order in station

**31.**—(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

(a) by a constable in or near that station, or

(b) by any other person authorised in writing by the returning officer to remove him,

and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule must not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

### Sealing of ballot boxes

**32.** Immediately before the commencement of the poll, the presiding officer must show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and must then lock it up, if it has a lock and (in any case) place his seal on it in such a manner as to prevent its being opened without breaking the seal and must place it in his view for the receipt of ballot papers, and keep it so locked and sealed or sealed (as the case may be).

### Questions to be put to voters

**33.**—(1) At the time of the application (but not afterwards), the questions specified in the second column of the following Table—

(a) may be put by the presiding officer to a person applying for a ballot paper who is mentioned in the first column, and

(b) must be put if the letter “R” appears after the question and the candidate or his polling agent requires the question to be put:

<i>Q. No.</i>	<i>Persons applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	(a)—Are you the person registered in the register of local government electors for this election as follows ? <i>read the whole entry from the register</i> [R] (b)—Have you already voted at this election for *(this parish) *(this community), <i>*delete whichever is inapplicable</i> ( <i>adding, in the case of an election for several wards, in this or any other ward</i> ) otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a)—Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] (b)—Have you already voted at this election for *(this parish) *(this community), <i>*delete whichever is inapplicable</i>

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- (adding in the case of an election for several wards, in this or any other ward)  
as proxy on behalf of C.D.? [R]  
(c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]
- 3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)
- (a)—Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (read out the number)? [R]  
(b)—Have you already voted as proxy on behalf of the elector whose number on the register of electors is (read out the number)? [R]  
(c)—Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is (read out the number)? [R]
- 4 A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative
- Have you already voted at this election for \*(this parish) \*(this community) \*delete whichever is inapplicable (adding in the case of an election for several wards, in this or any other ward) on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
- 5 A person applying as an elector in relation to whom there is an entry in the postal voters list
- (a)—Did you apply to vote by post?  
(b)—Why have you not voted by post?
- 6 A person applying as proxy who is named in the proxy postal voters list
- (a)—Did you apply to vote by post as proxy?  
(b)—Why have you not voted by post as proxy?

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register shall be taken as references to reading from the notice issued under section 13B(3B) or (3D) of the 1983 Act.

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

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

### Challenge of voter

34. A person must not be prevented from voting by reason only that—

- (a) a candidate or his polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or



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- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

### **Voting procedure**

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

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out;
- (b) the number of the elector must be marked on the list mentioned in rule 26(4)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received;
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

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

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

(6) The same copy of the register of electors or, where paragraph (3) applies, the same copy of the notice issued under section 13(3B) or (3D) of the 1983 Act, which is used under paragraph (1) for the parish or community election may be used for each relevant election or referendum—

- (a) and one mark may be placed in that register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each election or referendum;
- (b) but where a ballot paper has not been issued in respect of a relevant election or referendum, a different mark must be placed in the register or, as the case may be, on that notice or in that list so as to identify each election or referendum in respect of which a ballot paper was issued.

### **Votes marked by presiding officer**

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

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

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must, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, must be entered on a list (in these Rules called “the list of votes marked by the presiding officer”). In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for “on the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The same list may be used for the parish or community election and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the ballot paper was so marked.

### **Voting by persons with disabilities**

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

- (a) blindness or other disability, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as “the companion”), the presiding officer must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
  - (i) is a qualified person within the meaning of these Rules; and
  - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer must grant the application, and then anything which is by these Rules required to be done to, or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion must be entered on a list (in these Rules referred to as “the list of voters with disabilities assisted by companions”).

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

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The same list may be used for the parish or community election and each relevant election and referendum and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.

(7) The declaration made by the companion—

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

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

### **Tendered ballot papers: circumstances where available**

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

- (a) a particular elector named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and he claims that he has lost or has not received his postal ballot paper.

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(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 39, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

### **Tendered ballot papers: general provisions**

**39.**—(1) A tendered ballot paper must—

- (a) be of a colour differing from the other ballot papers;
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

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

(3) The same list may be used for the parish or community election and each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

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

(5) In the case of an elector who has an anonymous entry, this rule and rule 38 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) of this rule, the references to the name of the voter shall be ignored;
- (b) otherwise, a reference to a person named on a register or list shall be construed as a reference to a person whose number appears on the register or list (as the case may be).

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 38 shall apply as if—

- (a) in rule 38(1)(a), (2)(a) and (5)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”;
- (b) in paragraph (1)(b) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

### **Spoilt ballot papers**

**40.** A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

### **Correction of errors on day of poll**

**41.**—(1) The presiding officer must keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

(2) The same list may be used for each relevant election or referendum and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election or referendum, unless the list identifies the election or referendum for which a ballot paper was issued.

### **Adjournment of poll in case of riot**

**42.**—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

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

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

### **Procedure on close of poll**

**43.**—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents appointed for the purposes of the parish or community election and those appointed for the purposes of each relevant election or referendum, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key, if any, attached,
- (b) the unused and spoiled ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the lists prepared under rule 17 including the parts which were completed in accordance with rule 35(1)(b) and (d) (together referred to in these Rules as “the completed corresponding number lists”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 41 (correction of errors on day of poll), and the declarations made by the companions of voters with disabilities,

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

(2) The contents of the packets referred to in sub-paragraphs (b), (c) and (f) of paragraph (1) must not be combined with the contents of the packets made under the corresponding rule that applies at any relevant election or referendum; nor shall the statement prepared under paragraph (5) be so combined.

(3) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(4) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

**Status:** Point in time view as at 02/01/2007.

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(5) The packets must be accompanied by a statement (in these Rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

## CHAPTER 4

### Counting of Votes

#### Attendance at counting of votes

**44.—**(1) Where the returning officer at the parish or community election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) make arrangements for—
  - (i) discharging the functions under rule 45(1) in the presence of the counting agents appointed for the purposes of the parish or community election and those appointed for the purpose of each relevant election or referendum as soon as practicable after the close of the poll, and
  - (ii) thereafter counting the votes at that election in the presence of the agents appointed for the purpose of that election; and
- (b) give to the counting agents appointed for the purposes of the parish or community election and those appointed for the purpose of each relevant election or referendum notice in writing of the time and place at which he will begin to discharge the functions under rule 45(1).

(2) Where the returning officer at the parish or community election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and
- (b) give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.

(3) No person other than—

- (a) the returning officer and his clerks,
- (b) the candidates and one other person chosen by each of them,
- (c) the election agents (if appointed),
- (d) the counting agents,
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,

may be present at the counting of the votes under paragraphs (4) to (12) of rule 45, unless permitted by the returning officer to attend.

(4) No person other than a person entitled to be present at the counting of the votes at the parish or community election under paragraphs (4) to (12) of rule 45 or at a relevant election or referendum may be present at the proceedings under rule 45(1), unless permitted by the returning officer to attend.

(5) A person not entitled to attend at the proceedings under rule 45(1) or the counting of the votes shall not be permitted to do so by the returning officer unless he—

- (a) is satisfied that the efficient separation of the ballot papers or, as the case may be, the efficient counting of the votes will not be impeded; and

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

(6) The returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

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

### **The count**

**45.—**(1) Where the returning officer at the parish or community election discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

- (a) in the presence of the counting agents appointed for the purposes of the poll at the parish or community election and each relevant election or referendum open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the counting agents appointed for the purposes of the poll at the parish or community election and the election agents appointed for the purposes of the poll at each relevant election or referendum, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the poll at the parish or community election and each relevant election or referendum;
- (d) separate the ballot papers relating to the parish or community election from the ballot papers relating to each relevant election or referendum;
- (e) make up into packets the ballot papers for each relevant election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning officer for the relevant election or referendum to which the ballot papers relate—
  - (i) those containers, together with a list of them and of the contents of each; and
  - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and
- (g) at the same time deliver or cause to be delivered to that officer packets that so relate containing—
  - (i) the unused and spoilt ballot papers,
  - (ii) the tendered ballot papers, and
  - (iii) the certificates as to employment on duty on the day of the poll.

(2) Where separate ballot boxes are used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box intended for use at any relevant election or referendum.

(3) After completion of the proceedings under paragraph (1), the returning officer must mix together all of the ballot papers used at the parish or community election and count the votes given on them.

(4) Where the returning officer at the parish or community election does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he must—

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- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(2)(b), in the presence of the counting agents open each container;
  - (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People (England and Wales) Regulations 2001 <sup>M45</sup> or under that regulation as applied by regulations made under sections 44 and 105 or 45 and 105 of the Local Government Act 2000 <sup>M46</sup>, count such of the postal ballot papers as have been duly returned and record the number counted; and
  - (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,
- and paragraph (10) shall not apply to these proceedings.
- (5) A postal ballot paper must not be taken to be duly returned unless—
    - (a) it is returned in the manner set out in paragraph (6) and reaches the returning officer or any polling station in the appropriate electoral area (as defined in paragraph (7)) before the close of the poll;
    - (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (6) and reaches him or such a polling station before that time;
    - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be); and
    - (d) in a case where steps for verifying the date of birth and signature of the voter have been prescribed by regulations made under the 1983 Act <sup>M47</sup>, the returning officer (having taken such steps) verifies the date of birth and signature of the voter.
  - (6) The manner in which any postal ballot paper or postal voting statement may be returned—
    - (a) to the returning officer, is by hand or by post; and
    - (b) to a polling station, is by hand.
  - (7) The appropriate electoral area in respect of any voter shall be—
    - (a) the area which is common to the parliamentary constituency <sup>M48</sup>, electoral area, local counting area, local authority area or voting area (as the case may be) in which the polls at the parish or community election and any relevant election or referendum are being taken together; and
    - (b) in respect of which polls the postal voter has been issued with a ballot paper.
  - (8) The returning officer must not count any tendered ballot papers.
  - (9) The returning officer, while counting and recording the number of ballot papers and counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.
  - (10) The returning officer must verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and must draw up a statement as to the result of the verification, which any election agent (if appointed) may copy.
  - (11) The returning officer must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.
  - (12) During the time so excluded the returning officer must—



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- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

#### Marginal Citations

**M45** [S.I. 2001/341](#)

**M46** [2000 c.22](#). See the [Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2002 \(S.I. 2002/185\)](#) under section 44 and the [Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2001 \(S.I. 2001/1298\)](#) under section 45.

**M47** See regulations 85 and 85A of the [Representation of the People \(England and Wales\) Regulations 2001 \(S.I. 2001/341\)](#), which were inserted by [S.I. 2006/2910](#).

**M48** For the meaning of “parliamentary constituency”, see [section 1](#) of the [Parliamentary Constituencies Act 1986 \(c.56\)](#).

#### Re-count

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

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents (if appointed) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

#### Rejected ballot papers

**47.**—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more candidates than the voter is entitled to vote for, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to paragraphs (2) and (3), be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote must be counted.

(3) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be deemed to be void (either wholly or as respects that vote) if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(4) The returning officer must—

- (a) endorse the word “rejected” on any ballot paper which under this rule is not to be counted; and

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- (b) in the case of a ballot paper on which any vote is counted under paragraph (2), endorse the words “rejected in part” on the ballot paper and indicate which vote or votes have been counted,

and must add to the endorsement the words “rejection objected to” if any objection is made by a counting agent to his decision.

(5) The returning officer must draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

- (a) want of official mark;
- (b) voting for more candidates than the voter is entitled to;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or void for uncertainty,

and the statement must record the number of ballot papers rejected in part.

### **Decisions on ballot papers**

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

### **Equality of votes**

**49.** Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer must forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

## **PART 4**

### **Final Proceedings in Contested and Uncontested Elections**

#### **Declaration of result**

**50.—(1)** In a contested election, when the result of the poll has been ascertained, the returning officer must forthwith—

- (a) declare to be elected the candidate or candidates to whom more votes have been given than to the other candidates, up to the number of councillors to be elected;
- (b) give notice of the name of each candidate to whom sub-paragraph (a) applies to—
  - (i) the proper officer of the parish or community council, and
  - (ii) the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate; and
- (c) give public notice of the name of each candidate elected and of the total number of votes given for each candidate (whether elected or not) together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

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

- (a) declare to be elected the person or persons remaining validly nominated;
- (b) give notice of the name of each person to whom sub-paragraph (a) applies to—

- (i) the proper officer of the parish or community council, and
- (ii) the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate; and
- (c) give public notice of the name of each such person.

## PART 5

### Disposal of Documents

#### Sealing up of ballot papers

**51.**—(1) On the completion of the counting at a contested election the returning officer must seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part.

(2) The returning officer must not open the sealed packets of—

- (a) tendered ballot papers, or
- (b) certificates as to employment on duty on the day of the poll.

(3) Where the returning officer discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, he must also not open the sealed packets of—

- (a) the completed corresponding number lists, or
- (b) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

#### Delivery of documents to relevant registration officer

**52.**—(1) The returning officer must then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 41 and the declarations made by the companions of voters with disabilities,
- (d) the packets of the completed corresponding number lists,
- (e) the packets of certificates as to employment on duty on the day of the poll, and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of the lists of proxies and of the proxy postal voters list.

(2) At an election where the returning officer does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (1) shall have effect as if subparagraphs (c), (d) and (e) were omitted.

(3) In this rule and in rules 53, 54 and 55 references to the relevant registration officer are to—

- (a) the registration officer of the local authority in whose area the election is held and in which the parish or community is situate;
- (b) if the electoral area for the relevant election or referendum comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered;

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- (c) if the returning officer discharges the functions referred to in regulation 5 of the Combination of Polls Regulations, the registration officer of the local authority in whose area the parish or community election is held and in which the parish or community is situate.

### Orders for production of documents

53.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part, in the custody of the relevant registration officer, or
- (b) for the opening of a sealed packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

may be made by a county court, if the court is satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.

(2) An order for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in the custody of the relevant registration officer may be made by an election court.

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

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

as the court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet of the completed corresponding number lists or certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers, care must be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified election—

- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
- (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of—

- (a) a ballot paper purporting to have been used at any election, and
- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of the 1983 Act at the time of the election contained the same number as the number written as mentioned in subparagraph (b) of this paragraph.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or open any sealed packets of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll.

### **Retention of documents**

**54.** The relevant registration officer must retain for one year all documents relating to an election forwarded to him in pursuance of these Rules by a returning officer, and then, unless otherwise directed by an order of a county court, the Crown Court, a magistrates' court or an election court, must cause them to be destroyed.

## **PART 6**

### **Death of Candidate**

#### **Countermand or abandonment of poll on death of a candidate**

**55.**—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer must countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 of the 1983 Act<sup>M49</sup> apply in respect of any vacancy which remains unfilled.

(2) Neither the countermand of the poll at the parish or community election nor the direction that that poll be abandoned shall affect the poll at each relevant election or referendum.

(3) Where the poll at the parish or community election is abandoned by reason of a candidate's death, no further ballot papers shall be issued.

(4) At the close of the poll at each relevant election or referendum the presiding officer must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and ballot papers and other documents as he would be required to do if the poll at the parish or community election had not been abandoned.

(5) The returning officer must dispose of ballot papers used at the parish or community election (at which a candidate has died) as he is required to do on the completion in due course of the counting of the votes, subject to paragraphs (6) and (7).

(6) It is not necessary for any ballot paper account at that election to be prepared or verified.

(7) Having separated the ballot papers relating to each relevant election or referendum, the returning officer must take no step or further step for the counting of the ballot papers used at the parish or community election (at which a candidate has died) or of the votes cast at that parish or community election.

(8) The returning officer must seal up all the ballot papers used at the parish or community election (whether the votes on them have been counted or not) and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(9) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents by the relevant registration officer relating to a poll at a parish

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or community election apply to any such documents relating to a poll abandoned by reason of a candidate's death subject to paragraphs (10) and (11).

(10) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(11) No order is to be made for—

(a) the production or inspection of any ballot papers, or

(b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll,

unless the order is made by a court with reference to a prosecution.

#### **Marginal Citations**

**M49** Subsection (1) of section 39 was amended by the [Local Government Act 1985 \(c.51\)](#), [Schedule 17](#), and the [Representation of the People Act 1985 \(c.50\)](#), [section 19\(2\)](#).

## **PART 7**

### Appendix of Forms

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

— Form of Nomination Paper

Form of Candidate's Consent to Nomination

Form of Front of Ballot Paper

Form of Back of Ballot Paper

Directions as to Printing the Ballot Paper

Corresponding Number List M1

Corresponding Number List M2

Form of Postal Voting Statement (for use where there is a joint issue and receipt of postal voting papers)

Form of Postal Voting Statement (for use when a parish or community poll is combined with another poll but the postal ballot papers are not combined)

Official Poll Card (to be sent to an elector voting in person)

Official Postal Poll Card (to be sent to an elector voting by post)

Official Proxy Poll Card (to be sent to an appointed proxy voting in person)

Official Proxy Postal Poll Card (to be sent to an appointed proxy voting by post)

Form of directions for the guidance of the voters in voting

Form of Certificate of Employment

Form of declaration to be made by the companion of a voter with disabilities

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**Rule 4**

**Parishes and Communities Elections  
Form of Nomination Paper**

Office Use Only

Date delivered	Time delivered	Initials
----------------	----------------	----------

\*ELECTION OF \*PARISH/COMMUNITY COUNCILLOR(S) for the  
\*(..... ward of the) \*Parish/Community  
of.....

Date of election .....

We, the undersigned, being local government electors for the said \*ward/parish/community do hereby nominate the under-mentioned person as a candidate at the said election.

*\*Delete whichever is inappropriate*

Candidate's surname	Other forenames in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any) use no more than six words	Home Address in full

Mr/Mrs/Miss/Ms/Dr/  
Other

Signature	Print Name	Electoral Number	
		Polling District	Number
Proposer .....	.....	.....	.....
Secunder .....	.....	.....	.....

**NOTES**

- The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination papers contained in the election rules in Schedule 2 to the Local Elections (Parishes and Communities) Rules 2006.
- Where a candidate is commonly known by some title they may be described by their title as if it were their surname.
- Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper
- But the ballot paper will show the other name if the returning officer thinks that the use of the commonly used name may
  - be likely to mislead or confuse electors, or
  - that the commonly used name is obscene or offensive.
- An elector may not –
  - subscribe more nomination papers than there are vacancies to be filled in the electoral area in which the election is held; or
  - subscribe a nomination paper for more than one ward in a parish or community divided into wards.
- In this form “elector” –
  - means a person whose name is registered in the register of local government electors for the electoral area in question on the last day for the publication of notice of election; and
  - includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.
- However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

*\*Delete whichever is inappropriate*

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**Rule 7**

**Parishes and Communities Elections  
Form of Candidate's Consent to Nomination**

**Front of form**

Date of election .....

I (name in full).....

Of (home address in full).....

consent to my nomination as a candidate for election as councillor for the \*(..... ward of the) \*parish/community of.....

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of another Member State of the European Community, who has attained the age of 18 years and that

*\*Delete whichever is inappropriate*

\* (a) I am registered as a local government elector for the area of the \*parish/community of..... in respect of .....(qualifying address in full)

and my electoral number (see Note below) is.....; or

\* (b) I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant of the following land or other premises in the \*parish/community [description and address of land or premises] .....; or

\* (c) my principal or only place of work during those 12 months has been in that \*parish/community at [give address of place of work and, where appropriate, name of employer] .....; or

\* (d) I have during the whole of those twelve months resided in that parish/community or within 4.8 kilometres of it at (give address in full) .....

*\*Delete whichever is inappropriate*

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in section 80 of the Local Government Act 1972; or any decision made under section 79 of the Local Government Act 2000, (copies of which are printed overleaf)

Date of birth .....

Signature .....

Date of consent .....

Signed in my presence

Signature of witness .....

Name and address of witness .....  
(WRITE CLEARLY)

**Notes**

1. A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered).
2. A candidate who is qualified by more than one qualification may complete any of those that may apply.

**Back of form**

*Set out sections 80 and 81 of the Local Government Act 1972 and section 79 of the Local Government Act 2000 (as amended from time to time).*



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Parishes and Communities Elections

Rule 16

**Form of Front of Ballot Paper**

**VOTE FOR NO MORE THAN ..... CANDIDATES**

1	<b>BASWRA</b> Parish Baswra 20 Kincaide Road, Small Heath, Birmingham B10 9JG Liberal Democrat		
2	<b>CRANLEY</b> Alana Cranley 4 Kennil Road, Perry Bar, Birmingham B32 5JJ Green Party		
3	<b>EDGBASTON</b> Richard Edgbaston 6 Tagwood Lane, Small Heath, Birmingham B10 0BH The Common Good Party		
4	<b>GUNNIL-WALKER</b> Roger Gunnil-Walker 33 Horsemeadow Lane, Sheldon, Birmingham B25 3GD The Labour Party Candidate		
5	<b>SMITH</b> CATHERINE ANGELINA Smith 21 Terminal Grove, Selly Oak, Birmingham B32 5JP Independent		
6	<b>SMITH</b> KEITH JAMES Smith The Links, 3 Kingsdown Road, Birmingham B44 4JN The Conservative Party Candidate		

**Form of Back of Ballot Paper**

Number

Other Unique Identifying Mark

Election for the \*(..... ward of the) \*parish/community

of .....

on ..... 20 ..

*\*Delete whichever is inappropriate*

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Rule 16(2)

## Parishes and Communities Elections

### Directions as to Printing the Ballot Paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper:-
  - (a) no word shall be printed on the face except the direction 'VOTE FOR NO MORE THAN..... CANDIDATES' or, where only one candidate is to be elected, 'VOTE FOR ONE CANDIDATE ONLY', the particulars of the candidates and words forming part of emblems;
  - (b) no rule shall be printed on the face except the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand-side and the spaces on the right where the vote is to be marked;
  - (c) the whole space between the top and bottom of the paper shall be equally divided between the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above.

Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of numbers, candidate's particulars and spaces where the vote is to be marked. If the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, in such a case, each column must be separated by a double vertical rule.

3. The direction mentioned in paragraph 2(a) above shall be printed in large capitals.
4. The surname of each candidate shall in all cases be printed by itself in large capitals, and their full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used –
  - (a) if the surname is the same as another candidate's, for their other names; and
  - (b) if the other names are also the same as the other candidate's, either for their home address or for their description unless each of them is the same as that of another candidate with the same surname and other names.
5. Where an emblem is to be printed against a candidate's particulars –
  - (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidate's particulars from the spaces where the vote is to be marked; and
  - (b) its size as printed shall not exceed two centimetres square.
6. The number and other unique identifying mark shall be printed on the back of the ballot paper.



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<b>Rule 17</b>
<p><b>Corresponding Number List – M2</b>                  (to be used in polling stations when a parish or community election                  is combined with another election/referendum)</p>
Parish or Community/ Ward: .....
Date of Poll: .....
Polling Station: .....
Sheet No.: .....

<b>Ballot Paper Number</b> <i>Identify the number issued for                      election/referendum</i>	<b>Elector Number</b>

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**Rule 22**

**Form of Postal Voting Statement  
(for use where there is a joint issue and receipt of postal ballot papers)**

**Postal Voting Statement**

\*Voter's name: ..... Ballot paper Nos. ....  
\*(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)  
[other identifying marks]

**You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.**

I AM THE PERSON THE BALLOT PAPERS NUMBERED ABOVE WERE SENT TO

Date of birth 

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (voter's date of birth)

#Signature 

Signature Here
----------------

 (voter's signature)  
IMPORTANT – Keep signature within border

\*(Returning Officer to omit where a person has been granted a waiver)

**Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.**

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the Returning Officer

INSTRUCTIONS TO THE VOTER

**Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below**

[contact details for assistance  
include address as appropriate]

1. You must provide your [# signature and] date of birth. If you do not, this postal voting statement will be invalid and your vote(s) will not be counted.
2. When you are voting in a local government election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate(s) you are voting for. [Vote for ONE candidate only]\*[Vote for no more than [...] candidates]\*.
3. When you are voting in a Parliamentary election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only.
4. When you are voting in a European Parliamentary election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the party or individual candidate of your choice. Vote for ONE party or candidate only.
5. [\* When you are voting in a [\* specify] election ([insert colour of ballot paper] ballot paper), mark a cross (X) in the box on the right hand side of the name of the candidate of your choice. Vote for ONE candidate only/Vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE.\*]
6. [\* When you are voting in a referendum, mark a cross (X) in the box on the right hand side of the answer of your choice. Vote ONCE only.]

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7. Do not mark your ballot papers in any other way or your votes may not be counted.
8. If you need help voting, the person helping you must not tell anyone how you voted.
9. Put all the ballot papers in the small envelope marked **A** and seal it.
10. Complete the postal voting statement by signing it, and providing your date of birth.
11. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it straightaway.

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

If you accidentally spoil any of your ballot papers, you can apply to the Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return all the ballot papers, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Returning Officer as soon as possible.

**!** Your ballot papers and the postal voting statement must be received by the Returning Officer by 10pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in your electoral area on polling day.

**Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper(s).**

**It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.**

*\*Delete whichever is inappropriate*

*#{Returning Officer to omit where a person has been granted a waiver}*

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**Rule 22**

**Form of Postal Voting Statement**  
(for use when a parish or community poll is combined with another poll but the postal ballot papers are not combined)

**Postal Voting Statement**

\*Voter's name: ..... Ballot paper No. .... (Colour)

\*(Returning Officer to insert name but omit where ballot papers sent to an anonymous elector)  
[other identifying mark]

**You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.**

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT TO

Date of birth 

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 (voter's date of birth)

Signature 

Signature Here
----------------

 (voter's signature)  
**IMPORTANT – Keep signature within border**

\*(Returning Officer to omit where a person has been granted a waiver)

**Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.**

PLEASE READ INSTRUCTIONS TO THE VOTER

Issued by the Returning Officer

INSTRUCTIONS TO THE VOTER

**Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below**

[contact details for assistance include address as appropriate]

1. You must provide your [# signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote(s) will not be counted.
2. [Vote for no more than [...] candidates] [Vote for ONE candidate only]. Do not mark your ballot paper in any other way or your vote(s) may not be counted.
3. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate(s) you are voting for.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. Different colours are used for the ballot papers for each election [and referendum\*]. Each ballot paper has its own ballot paper envelope (marked **A**), postal voting statement and return envelope (marked **B**). The return envelope and postal voting statement for each ballot paper refer to the colour of that ballot paper. It is important that you use the correct envelopes and postal voting statement or your vote may not be counted. You may find it helpful to sort the documents into separate sets.
6. Put the ballot paper in the small envelope marked **A** and seal it.
7. Complete the postal voting statement by signing it, and providing your date of birth.
8. Then put the envelope marked **A** together with the postal voting statement in the larger

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envelope marked **B**. Return it straightaway.

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

If you accidentally spoil your ballot paper, you can apply to the Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return the spoiled ballot paper, the postal voting statement, and the envelopes marked **A** and **B**. Make sure you contact the Returning Officer as soon as possible.

**!** Your ballot paper and the postal voting statement must be received by the Returning Officer by 10pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in your electoral area/ward on polling day.

**Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.**

**It is illegal to vote more than once (unless you are appointed as a proxy for another elector) at the same election.**

*#(Returning Officer to omit where a person has been granted a waiver)*



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<b>OFFICIAL POLL CARD</b> (to be sent to an elector voting in person) <i>Front of card</i>		<b>Rule 25</b>
<b>OFFICIAL POLL CARD</b>		
Parish/Community of:  Ward:  Polling Day:  Polling hours: 7 a.m. to 10 p.m.  Your polling station will be:	Number on register:  *Name  ..... *Address  ..... *(Returning Officer to omit where poll card sent to an anonymous elector. Poll card to anonymous elector must be delivered in a sealed envelope.)	
<p><b>*This card is for information only. You can vote without it, but it will save you time if you take it to the polling station and show it to the clerk there.</b></p> <p><b>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</b></p>		
<i>Back of card</i>		
<b>LOCAL GOVERNMENT ELECTION</b>		
<p>*When you go to the polling station, tell the clerk your name and address, as shown on the front of the card.</p> <p>*The clerk will confirm your details on the register.</p> <p>When you are given your ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for.</p> <p>[Vote for no more than [...] candidates] [Vote for ONE candidate only]. Do not put any other mark on the ballot paper, or your vote may not be counted.</p> <p>If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p> <p>Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.</p> <p>If you will be away on the date of the poll –</p> <ul style="list-style-type: none"> <li>• You can apply to vote by post. Your application must be received by the Returning Officer before 5pm on [-11 day/date deadline]. If you are given a postal vote, you will not be entitled to vote in person at this election.</li> <li>• You can apply to vote by proxy (this means someone else can vote on your behalf). Your application must be received before 5pm on [-6 day/date deadline]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you. In certain circumstances it may be possible to apply to vote by proxy after [-6 day/date deadline]. To change any of your voting arrangements please contact [helpline number] as soon as possible.</li> </ul>		
Issued by the Returning Officer  [Where poll card sent to an anonymous elector substitute for the paragraphs marked with * above:- You must have this card with you when you vote. You cannot vote without it.  When you go to the polling station, ask to speak to the presiding officer and show them this card.  The presiding officer will confirm your entry on the register].		

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<b>OFFICIAL POSTAL POLL CARD</b> (to be sent to an elector voting by post) <i>Front of card</i>		Rule 25
<b>OFFICIAL POSTAL POLL CARD</b>		
Parish/Community of:  Ward:  For the election on: [day/date]  Number on Register:  *Name and Address:  *(Returning Officer to omit where poll card sent to an anonymous elector. Poll card to anonymous elector must be delivered in a sealed envelope.)	This notice is to tell you that you have asked to vote by post for this election, and you will not be able to vote in a polling station. If you want to cancel your postal vote please call the helpline number shown below before 5pm on [-11 day/date deadline]. <b>We will send your postal voting papers around [day/date].</b> Addressed to: (Name and Address) <b>If your postal voting papers have not arrived by [day/date] call: [helpline number] and ask for help.</b>	
If you lose or accidentally spoil your postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5 p.m. on [day/date of poll].		
<b>This card is to provide you with information about voting by post.</b> <i>SEE INFORMATION ON THE BACK OF THIS CARD</i> <i>Back of card</i>		
<b>LOCAL GOVERNMENT ELECTION</b>		
When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper.  Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted. You can get independent help from the Returning Officer please call the helpline number shown below.  You must <b>sign</b> the postal voting statement (unless you have been granted a waiver by prior arrangement with the Returning Officer) and <b>provide your date of birth</b> . This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Returning Officer can cross check your signature against other records that they hold.  If you lose or accidentally spoil your ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5 p.m. on [day/date of poll].  Complete and return your postal vote as soon as possible. The Returning Officer must receive your postal vote by 10pm on [day/date of poll]. You can deliver your completed voting papers to any polling station in the electoral area.  If you want to vote in person at these elections, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].  If you need any assistance, please call our helpline on: [helpline number].		
<b>It is an offence to vote using a ballot paper that was not addressed to you.</b> Issued by the Returning Officer		

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<p><b>OFFICIAL PROXY POLL CARD</b> <span style="float: right;">Rule 25</span>                  (to be sent to an appointed proxy voting in person)  <i>Front of card</i></p>	
<p><b>OFFICIAL PROXY POLL CARD</b></p>	
<p>Parish/Community of:                  Ward:                  Polling Day:                  Polling hours: 7 a.m. to 10 p.m                  Elector's polling station will be:</p>	<p>*This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy.                  *Proxy's name                  .....                  *Proxy's address                  .....                  *(Returning Officer to omit where poll card sent to the proxy of an anonymous elector. Poll card to proxy of anonymous elector must be delivered in a sealed envelope.)</p>
<p><b>*This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.</b>  <b>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</b>  <i>Back of card</i></p>	
<p><b>LOCAL GOVERNMENT ELECTION</b></p>	
<p>*This poll card is to tell you that for this election you are appointed as proxy for:                  .....                  *(Elector's name)                  .....                  *(Elector's address)                  .....                  *(Elector's number on register)</p> <p>*When you go to the polling station, tell the clerk that you wish to vote as proxy on behalf of the voter shown above.</p> <p><b>The clerk will confirm the details on the register.</b></p> <p>When you are given the ballot paper, go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) the elector is voting for.</p> <p><b>[Vote for no more than [...] candidates] [Vote for ONE candidate only]. Do not put any other mark on the ballot paper, or the vote may not be counted.</b></p> <p>If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.</p> <p>Fold the ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see the vote. Put the ballot paper in the ballot box and leave the polling station.</p> <p>If you will be away on the date of the poll, you can apply before 5pm on [-1] day/date deadline] to vote by post. If you are given a postal vote, you or the elector will <i>not</i> be entitled to vote in person at this election.</p> <p>The person who appointed you as proxy may vote at this election. If they wish to do so they must vote in person before you vote on their behalf.</p> <p><b>It is illegal to do any of the following:</b></p>	

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- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote as a proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: [*helpline number*].

**Issued by the Returning Officer**

[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with \* above:-

**You must have this card with you when you vote, you cannot vote as proxy without it.**

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....  
(Elector's number on register)

To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show them this card].

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<p><b>OFFICIAL PROXY POSTAL POLL CARD</b> <span style="float: right;">Rule 25</span>                  (to be sent to an appointed proxy voting by post)  <i>Front of card</i></p>	
<p><b>OFFICIAL PROXY POSTAL POLL CARD</b></p>	
<p>Parish/Community of:                  Ward:                  For the election on: [day/date]                  Name and Address (Proxy):</p>	<p>This poll card is to tell you that for this election, the elector named on the back of this card has appointed you as their proxy and you have decided to vote by post. <b>You will not be able to vote on behalf of the elector in a polling station.</b> If you want to cancel this postal vote and vote in person on polling day, please call the helpline number shown below before 5pm on [-11 day/date deadline].  <b>We will send the proxy postal voting papers around [day/date].</b>   <b>If the postal voting papers have not arrived by [day/date] please call: [helpline number] and ask for help.</b></p>
<p>If you lose or accidentally spoil the elector's postal ballot paper, please call the helpline number shown above as soon as possible. Replacement ballot papers can only be issued before 5pm on [day/date of poll].</p>	
<p><b>This card is to provide you with information about voting by post.</b>  <b>SEE INFORMATION ON THE BACK OF THIS CARD</b>  <i>Back of card</i></p>	
<p><b>LOCAL GOVERNMENT ELECTION</b></p>	
<p>*This poll card is to tell you that for this election you are appointed as proxy for the elector named below and you have decided to vote by post.</p>	
<p>.....                  *(Elector's name)</p>	
<p>.....                  *(Elector's address)</p>	
<p>When you receive the postal voting pack, please read the instructions with it carefully before completing the postal ballot paper.</p>	
<p>Do not let anyone see your vote. If you need help voting, the person helping you must not tell anyone how you have voted.</p>	
<p>You must sign the postal voting statement (unless you have been granted a waiver by prior arrangement with the Returning Officer) and provide your date of birth. This is a security measure. It will not affect your vote or mean it can be identified. Without your signature and date of birth the statement will not be valid and your vote will not be counted. The Returning Officer can cross check your signature against other records they hold.</p>	
<p>If you lose or accidentally spoil the postal ballot paper, please call the helpline number shown below as soon as possible. We can only issue replacement postal ballot papers before 5pm on [day/date of poll].</p>	
<p>Complete and return the postal vote as soon as possible. The Returning Officer must receive the postal vote by 10pm on [day/date of poll]. You can deliver your completed voting papers to any polling station in your electoral area/ward.</p>	
<p>If you want to vote in person as a proxy at these elections, you must cancel your postal vote before 5 p.m. on [-11 day/date deadline].</p>	

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**It is illegal to do any of the following:**

- Vote more than once (unless you are appointed as a proxy for another elector) at the same election.
- Vote as a proxy at the same election for two or more persons unless you are their spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- Vote as a proxy for a person if you know that the person is subject to a legal incapacity to vote.

If you need any assistance, please call our helpline on: *[helpline number]*.

Issued by the Returning Officer

*[Where poll card sent to the proxy of an anonymous elector substitute for the text marked with \* above:-*

**This poll card is to tell you that for this election you are appointed as proxy for the elector whose electoral number is shown below and you have decided to vote by post.**

You are entitled to vote as proxy for the elector whose electoral number is shown below:

.....

(Elector's number on register)].

**Status:** Point in time view as at 02/01/2007.

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Rule 26(8)

## **Parishes and Communities Elections**

### **Form of directions for the guidance of the voters in voting**

#### **GUIDANCE FOR VOTERS AT COMBINED POLLS**

1. When you are given your ballot papers go to one of the polling booths.
2.
  - A. At the Parliamentary election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only.
  - B. [At the local government election(s) mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. [Vote for ONE candidate only]\*[Vote for no more than ... candidates]\*].
  - C. [At the European Parliamentary election, mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for. Vote for ONE party or candidate only.]\*
  - +D. [At the [specify other] election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate for whom you are voting. [Vote ONCE only]\*[Vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE]\*]\*.
  - E. [At the referendum mark a cross (X) in the box on the right of the answer of your choice. Vote ONCE only.]\*
3. [Please do not fold the ballot papers for the [specify the election(s) at which the votes are to be counted electronically]. Fold any other ballot paper(s) in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate\*] ballot box and leave the polling station.]\*
3. [Fold each ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate\*] ballot box and leave the polling station.]\*
4. Vote only for the number of candidates specified on each ballot paper [and only one of the answers available in the referendum\*]. Put no other mark on the ballot papers, or your votes may not be counted.
5. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

\* Complete or omit as necessary

+ In the case of a mayoral election, alternatively, insert such information as to the manner of voting as the returning officer may decide.

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Rule 30(4)

**Parishes and Communities Elections**

**Form of Certificate of Employment**

**REPRESENTATION OF THE PEOPLE ACTS**

Election in the \*(..... ward of the) \*Parish/Community  
of .....

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

\* (a) as a constable

\* (b) by me

Signature .....

\* Returning Officer/Police Officer (Inspector or above)

Date .....

\* Delete whichever is inappropriate

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



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Rule 37(8)

**Parishes and Communities Elections**  
**Form of declaration to be made by the companion**  
**of a voter with disabilities**

I, ..... (name of companion),  
of..... (address of companion)  
having been requested to assist .....(name of elector)  
[in the case of a voter with disabilities voting as proxy, adding 'voting as proxy for  
.....(name of elector)'] whose number on the register  
is..... to record their vote at the election[s]\* and [\*referendum[s]]\* now being held in  
this \*parliamentary constituency/\*European Parliamentary region/\*parish or community  
council/\*local government area], \*delete those words which are inappropriate  
hereby declare that

- I am entitled to vote as an elector at the said election
- I am the \* ..... of the said voter and have attained the age of 18 years, and
- I have not previously assisted any voter with disabilities [except.....  
(name of other elector), of .....(address of other elector)]  
to vote at the said elections.

\*State the relationship of the companion to the voter

Signed .....(Companion)

Date .....

I, the undersigned, being the presiding officer for ..... (polling station)  
for the ..... parish/community of .....  
hereby certify that the above declaration, having been first read to the above-named companion  
and was signed by the companion in my presence.

Signed ..... (Presiding Officer)

Date .....

Time ..... (am/pm)

NOTE

1. If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under local elections rules that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

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**Parishes and Communities Elections**

**Declaration as to Expenses**

Election for the ..... ward of the

Parish/Community of .....

Day of Election .....

Full name of candidate .....

I declare as follows –

- 1. The amount paid by me or on my behalf for my election expenses at the above election was £ .....
- 2. To the best of my knowledge and belief no other election expenses have been paid or incurred by me or by any other person or organisation in connection with my candidature.
- 3. To the best of my knowledge and belief the accompanying return of election expenses is complete and correct as required by law.
- 4. I understand that the law does not allow any election expenses not mentioned in the return to be defrayed except in pursuance of a court order.

Signature of candidate .....

Date .....

## SCHEDULE 4

Rule 7

Rule 26(8)

### Parishes and Communities Elections

#### Form of directions for the guidance of the voters in voting

##### GUIDANCE FOR VOTERS AT COMBINED POLLS

1. When you are given your ballot papers go to one of the polling booths.
2.
  - A. At the Parliamentary election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for. Vote for ONE candidate only.
  - B. [At the local government election(s) mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate you are voting for. [Vote for ONE candidate only]\*[Vote for no more than ... candidates]\*].
  - C. [At the European Parliamentary election, mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the party or individual candidate you are voting for. Vote for ONE party or candidate only.]\*
  - +D. [At the [specify other] election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate for whom you are voting. [Vote ONCE only]\*[Vote ONCE in column one for your FIRST CHOICE and ONCE in column two for your SECOND CHOICE]\*]\*.
  - E. [At the referendum mark a cross (X) in the box on the right of the answer of your choice. Vote ONCE only.]\*
3. [Please do not fold the ballot papers for the [specify the election(s) at which the votes are to be counted electronically]. Fold any other ballot paper(s) in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate\*] ballot box and leave the polling station.]\*
3. [Fold each ballot paper in two. Show the presiding officer the number and other unique identifying mark on the back of the ballot paper, but do not let anyone see your vote. Put each ballot paper in the [appropriate\*] ballot box and leave the polling station.]\*
4. Vote only for the number of candidates specified on each ballot paper [and only one of the answers available in the referendum\*]. Put no other mark on the ballot papers, or your votes may not be counted.
5. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

\* Complete or omit as necessary

+ In the case of a mayoral election, alternatively, insert such information as to the manner of voting as the returning officer may decide.

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules provide for the conduct of parish and community council elections. They replace the Local Elections (Parishes and Communities) Rules 1986, as amended, (“the 1986 Rules”) which are revoked by Schedule 1 to these Rules.

The rules in Schedule 2 to these Rules, like the rules in Schedule 2 to the 1986 Rules, apply with adaptations, alterations and exceptions, the parliamentary elections rules (contained in Schedule 1 to the Representation of the People Act 1983 (c.2)) for the purpose of the conduct of parish and community elections.

The Rules differ from the 1986 Rules by applying, with relevant alterations and exceptions, the amendments made to the parliamentary elections rules by provisions of the Electoral Administration Act 2006 (c.22). Particular changes made by the 2006 Act are mentioned below. The Rules reflect changes made to nomination procedures. Candidates may use their common names on nomination forms and ballot papers. The minimum age for a candidate is reduced from 21 to 18. The Rules on the use of authorised descriptions by candidates standing on behalf of registered political parties are amended to reflect amendments made to the Political Parties, Elections and Referendums Act 2000 (in sections 28A and 28B). Returning officers will be able to correct minor errors on nomination papers.

The Rules reflect new security measures introduced by the 2006 Act. Security markings on ballot papers are provided for; so too are unique identifying marks. Counterfoils on ballot papers are replaced by corresponding number lists. Requirements are imposed requiring postal voters and postal proxies to provide both their signature and date of birth when returning postal ballot papers. The Rules reflect alterations as to the circumstances in which a person may give a tendered vote. New requirements are introduced as to the information and accessibility of information to be provided by returning officers to electors.

The Rules reflect the changes made as to the persons who may be admitted to a polling station and the count to observe elections.

Amendments are made to provide for transmission of information to a presiding officer of alterations to the electoral register taking effect on the day of the poll. Amendments consequential upon the introduction of a scheme for the anonymous registration of certain electors are made.

The Rules reflect the changes made regarding the retention and inspection of election documents after the poll.

Consequential amendments are made to all the existing forms prescribed for use at these elections. New forms to implement the 2006 Act changes, which were prescribed in the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2910), have been applied by these Rules with relevant modifications for the purposes of parishes and communities elections.

Schedule 3 to these Rules sets out, as modified, the elections rules in Schedule 2 which apply when the poll at a parish or community election is combined with the poll at a Parliamentary election, a European Parliamentary election, another local government election, a referendum or an election for an elected mayor. This Schedule also reflects the modifications to the parliamentary elections rules which apply when polls are combined, contained in the Combination of Polls (England and Wales) Regulations 2004 (S.I. 2004/294 as amended by S.I. 2006/3278) and regulation 65 of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341).

Rule 5 makes similar provision for the filling of casual vacancies by co-option as was contained in the 1986 Rules. Rule 6 modifies certain provisions of the 1983 Act in their application to parish and community elections. Rule 7 and Schedule 4 sets out the form of declaration as to election

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expenses required by section 90(1)(b) of the 1983 Act relevant for parish and community elections (for which an election agent is not required).

**Status:**

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