

SCHEDULE 2

Article 15(3)

Absent voting (transitional provisions)

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Explanatory Note

Requiring personal identifiers from existing absent voters

1.—(1) A registration officer must, by 7th February 2007, send a notice in writing to every person who has on 1st February 2007 an entry as an absent elector or postal proxy in his absent voting records kept in accordance with the National Assembly for Wales (Representation of the People) Order 2003.

(2) The notice must require the absent elector or postal proxy (as the case may be) to provide the registration officer within 42 days with a specimen of his signature and his date of birth (“the required personal identifiers”) in accordance with this Schedule.

(3) The notice must be sent by the registration officer to the current or last known address of the absent elector or postal proxy (as the case may be).

(4) Where a notice is sent by post, the registration officer may use—

- (a) a universal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid on any such notice sent by post.

(5) Any notice must be accompanied by a reply envelope addressed to the registration officer and, in the case of any notice sent to an address within the United Kingdom, return postage shall be prepaid.

(6) Where a registration officer has been provided with the required personal identifiers by an applicant for an absent vote under the Representation of the People (England and Wales) (Amendment)(No. 2) Regulations 2006⁽¹⁾ or the Absent Voting (Transitional Provisions)(England and Wales) Regulations 2006⁽²⁾ before the date specified in the notice in accordance with paragraph 2(2)(d), he may use them for the purposes of Assembly elections and enter them in his records kept in accordance with article 12(13)⁽³⁾.

(1) [S.I. 2006/2910](#).

(2) [S.I. 2006/2973](#)

(3) The Representation of the People (England and Wales)(Amendment)(No. 2) Regulations 2006 apply to new applicants for absent votes, and the Absent Voting (Transitional Provisions)(England and Wales) Regulations 2006 to existing absent voters for parliamentary and local government elections after 1st January 2007.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Required information to be provided to existing absent voters

2.—(1) Where a registration officer sends a notice pursuant to paragraph 1, he must also provide information—

- (a) explaining how the required personal identifiers will be used and how the personal identifiers will assist in deterring misuse of the entitlement to vote;
 - (b) explaining that, in the event of a failure or refusal to provide the required personal identifiers, the absent elector will lose his entitlement to vote by post or by proxy, and a postal proxy will cease to be entitled to vote by post as proxy;
 - (c) explaining the circumstances in which a registration officer may dispense with the requirement to provide a signature; and
 - (d) explaining that loss of the entitlement to vote by post or by proxy or as a postal proxy under this Order does not prevent him from making a fresh application under articles 8, 9 or 12 to be entitled to vote by post or by proxy or to act as a postal proxy.
- (2) The notice must specify the following matters—
- (a) that the absent elector or postal proxy would cease to be entitled to vote by post or by proxy, or to act as a postal proxy in Assembly elections if he does not provide the required personal identifiers;
 - (b) whether the person has an entry in the absent voting records as voting by post, by proxy or as a postal proxy or in more than one capacity;
 - (c) as regards a postal proxy, the names and addresses of each absent elector for whom he is entitled to vote;
 - (d) in the case of an absent elector, the date (not less than 49 days from the sending of the initial notice) from which he will cease to be entitled to vote by post or by proxy in the event of his failure or refusal to provide the required personal identifiers; and
 - (e) in the case of a postal proxy, the date (not less than 49 days from the sending of the initial notice) from which he will cease to be entitled to act as a postal proxy in the event of his failure or refusal to provide the required personal identifiers.

Additional steps and determination by registration officer

3.—(1) The registration officer must, if the absent elector or postal proxy has not responded to the notice within 21 days from the date on which the notice was sent, send a second copy of the notice.

(2) The registration officer must, no later than the date specified in the notice sent to the absent elector or postal proxy in accordance with paragraph 2(2)(d) or (e), determine whether the absent elector or postal proxy has refused or failed to provide the required personal identifiers.

Removal from absent voting records

4.—(1) Where the registration officer determines that there has been a refusal or failure to provide the required personal identifiers, he shall forthwith remove the entry relating to the absent voter or the postal proxy (as the case may be) from his records and special lists kept under articles 10(2), (3) and 12(8).

(2) Paragraph 8(4), (6) and (7) of Schedule 1 shall apply upon the removal of an absent elector from the absent voting records as if the registration officer had refused an application by an elector to vote by post.

(3) The registration officer shall include in the written notice to be sent to the elector, to any person appointed as his proxy and to any postal proxy regarding his removal from the absent voting records, information—

- (a) explaining the effect of removal from the absent voting records;
- (b) reminding the elector that he may make a fresh application under article 8, 9 or 11 to vote by post or proxy;
- (c) reminding a person who was a postal proxy that he may make a fresh application under article 12 to act as postal proxy; and
- (d) informing the elector or the proxy, where appropriate, of the location of the polling station allotted or likely to be allotted to him under rule 34 of Schedule 5.

Pending applications

5. Where a person has made an application under article 8(1), 9(1), or 12(4) of the National Assembly for Wales (Representation of the People) Order 2003 prior to 31st January 2007 that has not been determined on or before 31st January 2007, the registration officer must not grant the application unless the applicant has provided to the registration officer a specimen of their signature and their date of birth.