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WELSH STATUTORY INSTRUMENTS

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**2023 No. 1064 (W. 180)**

**LOCAL GOVERNMENT, WALES  
REPRESENTATION OF THE PEOPLE, WALES**

**The Local Elections (Principal Areas) (Single  
Transferable Vote) (Wales) Rules 2023**

*Made* - - - - 4 October 2023  
*Coming into force* - - 9 October 2023

The Welsh Ministers, in exercise of the powers conferred by section 36A(1), (2)(d), and (4) of the Representation of the People Act 1983(1), make the following Rules.

In accordance with section 36A(7) of that Act, the Welsh Ministers have consulted such persons as they considered appropriate.

In accordance with section 36A(10) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, Senedd Cymru.

**Title, coming into force and interpretation**

1.—(1) The title of these Rules is the Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023.

(2) These Rules come into force on 9 October 2023.

(3) In these Rules, “the 2021 Rules” means the Local Elections (Principal Areas) (Wales) Rules 2021(2).

**Amendment of rule 3 of the 2021 Rules**

2. In rule 3 of the 2021 Rules (interpretation), in paragraph (3)—

(a) in the words in brackets, for “section 202(1)” substitute “sections 202(1) and 203(1)”;

(b) insert at the appropriate places—

““simple majority system” (“*system mwyafrif syml*”);”

““single transferable vote system” (“*system pleidlais sengl drosglwyddadwy*”).”

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(1) 1983 c. 2. Section 36A was inserted by section 13(3) of the Local Government and Elections (Wales) Act 2021 (asc 1).

(2) S.I. 2021/1459 (W. 374). These Rules were amended by S.I. 2022/263 (W. 79).

**Amendment of Part 3 of Schedule 1 to the 2021 Rules**

- 3.—(1) Part 3 of Schedule 1 to the 2021 Rules is amended as follows.
- (2) In rule 21 (poll to be taken by ballot), for paragraph (2), substitute—
- “(2) The result must be ascertained—
- (a) where the voting system that applies at the election is the simple majority system, in accordance with Part 4;
- (b) where the voting system that applies at the election is the single transferable vote system, in accordance with Part 4A.”.
- (3) In rule 22 (the ballot papers)—
- (a) in paragraph (3), at the beginning insert “Where the voting system that applies at the election is the simple majority system.”;
- (b) after paragraph (3) insert—
- “(3A) Where the voting system that applies at the election is the single transferable vote system, a ballot paper must be—
- (a) in the form in Appendix 2A, and
- (b) printed in accordance with the directions in that Appendix.”.
- (4) In rule 28 (postal ballot papers)—
- (a) in paragraph (1)(b), for “Appendix 4” substitute “the applicable Appendix”;
- (b) after paragraph (1) insert—
- “(1A) In paragraph (1)(b), “the applicable Appendix” means—
- (a) where the voting system that applies at the election is the simple majority system, Appendix 4;
- (b) where the voting system that applies at the election is the single transferable vote system, Appendix 4A.”.
- (5) In rule 31 (issue of official poll cards)—
- (a) in paragraph (4), for “Appendix 5” substitute “the applicable Appendix”;
- (b) in paragraph (6)(a), for “Appendix 5” substitute “the applicable Appendix”;
- (c) in paragraph (7), before sub-paragraph (a) insert—
- “(aa) “the applicable Appendix” means—
- (i) where the voting system that applies at the election is the simple majority system, Appendix 5;
- (ii) where the voting system that applies at the election is the single transferable vote system, Appendix 5A.”.
- (6) In rule 32 (equipment of polling stations)—
- (a) in paragraph (9), for “Appendix 6” substitute “the applicable Appendix”;
- (b) after paragraph (9) insert—
- “(9A) In paragraph (9), “the applicable Appendix” means—
- (a) where the voting system that applies at the election is the simple majority system, Appendix 6;
- (b) where the voting system that applies at the election is the single transferable vote system, Appendix 6A.”;

- (c) in paragraph (11), at the beginning insert “Where the voting system that applies at the election is the simple majority system.”;
- (d) after paragraph (11) insert—
  - “(12) Where the voting system that applies at the election is the single transferable vote system, a notice containing the following information must be exhibited inside each voting compartment in each polling station—
    - (a) an instruction to the voter to put the number 1 in the voting box next to their first choice;
    - (b) an explanation to the voter that they may make as many or as few additional choices as they wish, together with an instruction on how to do this by putting the number 2 next to their second choice, the number 3 next to their third choice and so on.”.

#### **Insertion of Part 4A of Schedule 1 to the 2021 Rules**

- 4.—(1) For the heading of Part 4 of Schedule 1 to the 2021 Rules substitute—

*“Counting of Votes: Elections Using the Simple Majority System ”.*

- (2) At the end of Part 4 insert—

### **“Part 4A**

#### **Counting of Votes: Elections Using the Single Transferable Vote System**

##### **CHAPTER 1**

###### **Introductory provisions**

#### **Arrangements for the counting of votes**

**60A.**—(1) The returning officer must make arrangements for the votes to be counted in the presence of the counting agents as soon as practicable after the close of the poll.

(2) The returning officer must give the counting agents a notice stating the time and place at which the returning officer will begin to count the votes.

#### **Attendance at the counting of votes**

**60B.**—(1) The following persons are entitled to be present at the counting of votes—

- (a) the returning officer and members of the returning officer’s staff;
- (b) each candidate and a guest of each candidate;
- (c) the election agents;
- (d) the counting agents;
- (e) any person who is entitled to attend by virtue of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000(3) (representatives of the Electoral Commission and accredited observers);
- (f) the constables on duty.

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(3) 2000 c. 41. Sections 6A to 6D were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

- (2) The returning officer may permit any other person to attend at the counting of votes.
- (3) Permission may not be given under paragraph (2) unless the returning officer—
- (a) is satisfied that the person’s attendance will not impede the efficient counting of votes, and
  - (b) has either consulted the election agents about whether to give permission or decided that it is not practicable to consult them.
- (4) The returning officer must give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information about them, as the returning officer is able to give consistently with the orderly conduct of the proceedings and the discharge of the returning officer’s duties.
- (5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom first preferences are given and then counting the number of ballot papers for each candidate, the counting agents are entitled to satisfy themselves that the ballot papers are correctly sorted.
- (6) The returning officer must make arrangements to ensure that every person attending at the counting of votes (other than the constables on duty) has been given a notice setting out the provisions of section 66(2) and (6) of the 1983 Act<sup>(4)</sup> (notification of requirement of secrecy).
- (7) In this rule, a reference to a constable includes a reference to a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002<sup>(5)</sup> (police powers for civilian staff and volunteers).

### **The count: steps**

- 60C.**—(1) The returning officer must take the following steps.
- (2) The returning officer must, in the presence of the counting agents, open each ballot box, take out the ballot papers, count them and record the number of ballot papers.
- (3) The returning officer must not count any tendered ballot paper.
- (4) The returning officer must, in the presence of the election agents, verify each ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the returning officer’s possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and tendered votes list).
- (5) The returning officer must prepare a statement as to the result of the verification and give a copy of the statement to any election agent who requests it.
- (6) The returning officer must also—
- (a) count the postal ballot papers that have been properly returned (see paragraph (7)), and
  - (b) record the number counted.
- (7) A postal ballot paper is to be treated as properly returned if the ballot paper and the accompanying postal voting statement properly completed are—
- (a) handed in at a polling station in the electoral ward before the close of the poll,
  - (b) given by hand to the returning officer before the close of the poll, or
  - (c) received by the returning officer by post before the close of the poll.

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(4) Section 66 of the 1983 Act was amended by paragraphs 82 and 86 of Schedule 1 to the Electoral Administration Act 2006 and paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50); there are other amendments but none are relevant to these Rules.

(5) 2002 c. 30. Section 38 was amended by section 38 of the Policing and Crime Act 2017 (c. 3); there are other amendments but none are relevant to these Rules..

- (8) A postal voting statement is properly completed if—
- (a) it is signed by the elector or (as the case may be) the proxy, unless the registration officer has dispensed with the requirement for a signature,
  - (b) it states the date of birth of the elector or (as the case may be) the proxy, and
  - (c) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations under the 1983 Act<sup>(6)</sup>, the returning officer has taken those steps and verified the date of birth and (except in a case where the requirement for a signature has been dispensed with) the signature.
- (9) Where, at the close of the poll, a person is in the polling station, or in a queue outside the polling station, for the purpose of handing in a postal ballot paper and postal voting statement—
- (a) the person must be permitted to hand the ballot paper and statement in at the polling station, and
  - (b) where handed in, they are to be treated as having been handed in before the close of the poll for the purposes of this rule.
- (10) The returning officer must not count the votes given on any ballot paper 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.
- (11) While counting and recording the number of ballot papers and counting the votes, the returning officer must—
- (a) keep the ballot papers with their faces upwards, and
  - (b) take such other precautions as are appropriate for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

### **The count: general**

**60D.**—(1) Subject to paragraph (2), the returning officer must, so far as practicable, proceed continuously with the counting of votes until all vacancies have been filled, allowing only time for refreshment.

(2) The returning officer may exclude any hours between 7 p.m. and 9 a.m. on the following morning.

(3) During any time that is excluded, the returning officer must—

- (a) place the ballot papers and other documents relating to the election under the returning officer's seal and the seals of any counting agents who wish to affix their seals, and
- (b) otherwise take proper precautions for the security of the ballot papers and other documents.

### **The count: rejected ballot papers**

**60E.**—(1) Subject to paragraph (2), the following ballot papers are void and must not be counted—

- (a) a ballot paper that does not bear the official mark;

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<sup>(6)</sup> See the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341); relevant amending instruments are S.I. 2002/1871, S.I. 2006/752, S.I. 2006/2910 and S.I. 2013/3198.

- (b) a ballot paper on which the figure “1” standing alone is not placed so as to indicate a first preference for some candidate;
  - (c) a ballot paper on which the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate;
  - (d) a ballot paper 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;
  - (e) a ballot paper that is unmarked or void for uncertainty.
- (2) Paragraph (3) applies to a ballot paper on which a vote is marked—
- (a) elsewhere than in the proper place, or
  - (b) otherwise than by the use of words or any other mark instead of a figure.
- (3) The ballot paper is not, by reason only of how the vote is marked, to be treated as void if, in the returning officer’s opinion, it is clear from the ballot paper that the voter clearly indicated a preference or preferences.
- (4) The returning officer must endorse the word “rejected” on any ballot paper which, in accordance with this rule, is not to be counted.
- (5) If a counting agent objects to the returning officer’s decision, the returning officer must add the words “rejection objected to” to the endorsement.
- (6) The returning officer must prepare a statement showing the number of ballot papers rejected.
- (7) The statement must set out the number rejected under each of sub-paragraphs (a) to (e) of paragraph (1).

## CHAPTER 2

### Ascertaining the Result

#### Interpretation

**60F.** In this Chapter—

“continuing candidate” (“*ymgeisydd sy’n parhau*”) means any candidate who is not already treated as elected and is not excluded under rule 60O;

“count” (“*cyfrif*”) means all the operations involved in the counting of first preferences recorded for candidates, the transfer of transferable papers from candidates who are treated as elected and have a surplus and the transfer of transferable papers from candidates who are excluded under rule 60O;

“next available preference” (“*dewis nesaf sydd ar gael*”) means a preference which is the second or subsequent preference in consecutive order for a continuing candidate (and therefore does not include a preference for a candidate who is treated as elected or a preference for a candidate who is excluded under rule 60O);

“quota” (“*cwota*”) means the number calculated in accordance with rule 60H;

“stage of the count” (“*cam o’r cyfrif*”) means—

- (a) the determination of the first preference votes for each candidate;
- (b) the transfer of the transferrable papers of a candidate who is treated as elected and has a surplus (see rules 60J and 60K);
- (c) the exclusion of one or more candidates at any given time (see rule 60O);

“surplus” (“*pleidleisiau dros ben*”) means the number of votes by which the total number of votes for any candidate exceeds the quota.

### **Counting of first preference votes**

**60G.**—(1) The returning officer must sort the valid ballot papers into groups according to the candidates for whom first preference votes are given.

(2) The returning officer must then—

- (a) count the number of ballot papers in each group, and
- (b) record those numbers.

(3) The returning officer must also ascertain and record the total number of valid ballot papers.

### **Determining the quota**

**60H.** The returning officer must take the following steps to determine the number of votes sufficient to secure the return of a candidate as a councillor (“the quota”).

#### *Step 1*

Take the total number of valid ballot papers recorded for the electoral ward under rule 60G(3).

#### *Step 2*

Take the number of councillors to be elected for the electoral ward and add one.

#### *Step 3*

Divide the number taken at step 1 by the number taken at step 2. If the result of the division contains decimal places, ignore them.

#### *Step 4*

Add one to the result of the division at step 3 (ignoring any decimals). This number is the quota.

### **Return of councillors**

**60I.**—(1) Where, at any stage of the count, the number of votes for a candidate equals or exceeds the quota, the candidate is treated as elected.

(2) For the purpose of determining whether the number of first preference votes for any candidate equals or exceeds the quota, the candidate is to be credited with one vote for each ballot paper on which a first preference vote is given for the candidate.

(3) Rules 60J, 60K, 60O and 60P make provision about the number of votes to be credited to a candidate where a ballot paper on which a second or subsequent preference for the candidate is transferred to the candidate in accordance with those rules.

(4) A candidate who is treated as elected is returned as a councillor when the returning officer declares the candidate to be elected in accordance with rule 60W.

(5) For the meaning of “quota”, see rule 60F.

### **Transfers where first preference votes exceed the quota**

**60J.**—(1) This rule applies where the number of first preference votes for a candidate exceeds the quota.

(2) The returning officer must sort all the ballot papers on which first preference votes are given for the candidate so that they are grouped—

- (a) according to the continuing candidate for whom the next available preference is given on those papers, or

(b) where no next available preference is given, as a separate group.

The ballot papers in the groups formed under paragraph (a) (“transferable papers”) are to be transferred in accordance with paragraphs (4) and (5) of this rule. The ballot papers in the group formed under paragraph (b) (“non-transferable papers”) are not to be transferred.

(3) The returning officer must count the number of ballot papers in each group of transferable papers and in the group of non-transferable papers.

(4) The returning officer must then transfer each group of transferable papers to the continuing candidate for whom the next available preference is given on those papers.

(5) The vote on each transferable paper is transferred at a value (“the transfer value”) which is calculated by taking the following steps.

*Step 1*

Take the surplus of the candidate from whom ballot papers are being transferred.

*Step 2*

Divide the surplus by the total number of ballot papers being transferred. Make the calculation to two decimal places and ignore the remainder. This is the transfer value.

(6) For the meaning of “continuing candidate”, “next available preference”, “quota” and “surplus”, see rule 60F.

(7) See also—

rule 60L (which sets out circumstances in which votes are not to be transferred under this rule);  
rule 60M (which sets out the order in which surpluses are to be transferred where two or more candidates have surpluses);  
rule 60N (which makes supplementary provision).

**Other transfers where votes exceed the quota**

**60K.**—(1) This rule applies where, at the end of any stage of the count involving the transfer of ballot papers, the number of votes for a candidate exceeds the quota.

(2) The returning officer must sort all the ballot papers in the group of transferred papers last received by that candidate so that they are grouped—

(a) according to the continuing candidate for whom the next available preference is given on those papers, or

(b) where no next available preference is given, as a separate group.

The ballot papers in the groups formed under paragraph (a) (“transferable papers”) are to be transferred in accordance with paragraphs (4) and (5) of this rule. The ballot papers in the group formed under paragraph (b) (“non-transferable papers”) are not to be transferred.

(3) The returning officer must count the number of ballot papers in each group of transferable papers and in the group of non-transferable papers.

(4) The returning officer must then transfer each group of transferable papers to the continuing candidate for whom the next available preference is given on those papers.

(5) The vote on each transferable paper is transferred at a value (“the transfer value”) which is calculated by taking the following steps.

*Step 1*

Take the surplus of the candidate from whom ballot papers are being transferred.

*Step 2*



Divide the surplus by the total number of ballot papers being transferred. Make the calculation to two decimal places and ignore the remainder.

*Step 3*

Compare the number arrived at following step 2 to the value the vote on the ballot paper had when it was received by the candidate from whom ballot papers are now being transferred.

If the number arrived at following step 2 is less than or the same as the value of the vote on the ballot paper when it was received by that candidate, that number is the transfer value.

If the number arrived at following step 2 is greater than the value of the vote on the ballot paper when it was received by that candidate, the value of the vote when it was received by that candidate is the transfer value.

(6) For the meaning of “continuing candidate”, “next available preference”, “quota” and “surplus”, see rule 60F.

(7) See also—

rule 60L (which sets out circumstances in which votes are not to be transferred under this rule);  
rule 60M (which sets out the order in which surpluses are to be transferred where two or more candidates have surpluses);

rule 60N (which makes supplementary provision).

**Circumstances in which votes are not transferred under rule 60J or 60K**

**60L.**—(1) Subject to paragraphs (2) and (3), the returning officer must continue to make transfers under rules 60J and 60K until—

- (a) there is no candidate who is treated as elected who has a surplus, or
- (b) all the vacancies have been filled (after the application, where relevant, of rule 60S).

(2) Transferable papers are not to be transferred where, at any stage of the count, a surplus (or, where two or more candidates have surpluses, the total of those surpluses) is less than the difference between—

- (a) the number of votes then credited to the continuing candidate with the lowest number of votes, and
- (b) the number of votes then credited to the continuing candidate who is next above that candidate.

(3) Transferable papers are not to be transferred where, at any stage of the count, a surplus (or, where two or more candidates have surpluses, the total of those surpluses) is less than the difference between—

- (a) the total number of votes then credited to the two or more continuing candidates with the lowest number of votes, and
- (b) the number of votes then credited to the continuing candidate who is next above those candidates.

(4) Rules 60J and 60K do not apply at an election where there is only one vacancy.

(5) For the meaning of “continuing candidate” and “surplus”, see rule 60F.

**Order of transfers under rules 60J and 60K**

**60M.**—(1) If, at any stage of the count, two or more candidates have surpluses that are to be dealt with under rule 60J or 60K, the transferable papers of the candidate with the largest surplus must be transferred first.

(2) If the surpluses in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest number of votes at the earliest stage of the count at which they had unequal votes must be transferred first.

- (3) If the votes credited to two or more candidates were equal at all stages of the count—
- (a) the returning officer must decide between those candidates by lot, and
  - (b) the transferable papers of the candidate on whom the lot falls must be transferred first.
- (4) For the meaning of “surplus”, see rule 60F.

### **Transfers under rules 60J and 60K: supplementary provision**

**60N.**—(1) Each transfer under rule 60J or 60K of all transferable papers from a candidate who has a surplus constitutes a stage in the count.

- (2) The returning officer must, on the completion of that stage—
- (a) record the total transfer value of the votes transferred to each candidate,
  - (b) add that value to the previous total of votes recorded for each candidate and record the new total,
  - (c) record as non-transferable votes the difference between the surplus and the total transfer value of the transferred votes, and
  - (d) add that difference to the previously recorded total of non-transferable votes.
- (3) The returning officer must then compare—
- (a) the total number of votes then recorded for all the candidates, together with the total number of non-transferable votes, with
  - (b) the recorded total of valid first preference votes.

(4) All ballot papers transferred under rule 60J or 60K must be clearly marked, either individually or as a group, so as to indicate the transfer value at which the vote on the paper is transferred or, as the case may be, the transfer value of all the votes on the papers in that group.

(5) The returning officer must include a ballot paper in the group of non-transferable papers formed under rule 60J or 60K(2) if—

- (a) the returning officer is of the opinion that the ballot paper indicates that the preference next in the order of preference has been given to two or more candidates (whether or not consecutive candidates),
  - (b) the returning officer is of the opinion that the next preference on the ballot paper (whether or not for a continuing candidate) does not follow consecutively after the preference immediately before it, or
  - (c) it is unclear to the returning officer for any other reason which candidate is next in the order of preference.
- (6) For the meaning of “surplus”, see rule 60F.

### **Exclusion of candidates and transfer of first preference ballot papers**

**60O.**—(1) This rule applies where—

- (a) the returning officer has transferred all the transferable papers that the returning officer is required to transfer under any provision of this Chapter, and
- (b) one or more vacancies remain to be filled (after the application, where relevant, of rule 60S).

(2) Subject to paragraph (3), the returning officer must exclude from the election at that stage the candidate with the then lowest number of votes.

(3) The returning officer must exclude two or more candidates with the lowest number of votes where the total number of those candidates' votes, together with any surpluses that have not been transferred, is less than the number of votes then credited to the candidate who is next above those candidates.

(4) The returning officer must sort all the ballot papers on which first preference votes are given for the candidate or candidates who are excluded so that they are grouped—

- (a) according to the continuing candidate for whom the next available preference is given on those papers, or
- (b) where no next available preference is given, as a separate group.

The ballot papers in the groups formed under paragraph (a) (“transferable papers”) are to be transferred in accordance with this rule. The ballot papers in the group formed under paragraph (b) (“non-transferable papers”) are not to be transferred.

(5) The returning officer must transfer each group of transferable papers to the continuing candidate for whom the next available preference is given on those papers.

(6) The vote on each transferable paper is transferred at a transfer value, which is the value of 1.

(7) Where the returning officer has completed the transfers required by paragraph (5) and one or more vacancies remain to be filled (after the application where relevant of rule 60S), the returning officer must next act in accordance with rule 60P.

(8) Paragraph (7) applies whether or not any candidate is treated as elected following the transfers and has a surplus.

(9) For the meaning of “continuing candidate”, “next available preference” and “surplus”, see rule 60F.

(10) See also—

rule 60Q (which deals with the order of exclusion where more than one candidate has the lowest number of votes);

rule 60R (which makes supplementary provision).

### **Transfer of excluded candidates' other ballot papers**

**60P.**—(1) This rule applies where—

- (a) the returning officer has transferred all the transferable papers of an excluded candidate or candidates that the returning officer is required to transfer under rule 60O, and
- (b) one or more vacancies remain to be filled (after the application where relevant of rule 60S).

(2) The returning officer must sort all the ballot papers, if any, which were transferred to the excluded candidate (or any of the excluded candidates) at an earlier stage in the count into groups according to the transfer value at which the votes on the ballot papers were received by that candidate.

(3) The returning officer must then sort the ballot papers in the group of ballot papers with votes of the highest transfer value into further groups as follows—

- (a) according to the continuing candidate for whom the next available preference is given on those papers, or

- (b) where no next available preference is given, as a separate group.

The ballot papers in the groups formed under paragraph (a) (“transferable papers”) are to be transferred in accordance with this rule. The ballot papers in the group formed under paragraph (b) (“non-transferable papers”) are not to be transferred.

(4) The returning officer must transfer each group of transferable papers to the continuing candidate for whom the next available preference is given on those papers.

(5) The vote on each transferable paper is transferred at a transfer value, which is the value at which the vote on the ballot paper was received by the excluded candidate from whom the paper is being transferred.

(6) Where the returning officer has completed the transfers required by paragraph (4) and one or more vacancies remain to be filled (after the application where relevant of rule 60S), the returning officer must repeat the steps in paragraphs (3) to (5) in relation to the remaining groups of ballot papers formed under paragraph (2), dealing with each group in descending order according to the value of the votes until either—

- (a) there are no remaining vacancies to be filled (after the application where relevant of rule 60S), or  
 (b) every group has been dealt with.

(7) Paragraph (6) applies whether or not any candidate is treated as elected and has a surplus following the completion of the steps in paragraphs (3) to (5) in relation to the group of ballot papers with votes of the highest transfer value or in relation to any of the remaining groups.

(8) In a case where every group of ballot papers formed under paragraph (2) has been dealt with but one or more vacancies remain to be filled (after the application where relevant of rule 60S), the returning officer must proceed as follows—

- (a) in accordance with rule 60K if one or more candidates treated as elected following the transfer of ballot papers under rule 60O or this rule has a surplus, and  
 (b) otherwise in accordance with rule 60O.

(9) For the meaning of “continuing candidate”, “next available preference” and “surplus”, see rule 60F.

- (10) See also rule 60R (which makes supplementary provision).

### **Order of exclusion**

**60Q.**—(1) This rule applies where—

- (a) the returning officer is deciding which candidate to exclude under rule 60O(2),  
 (b) two or more candidates each have the same number of votes, and  
 (c) no other candidate has fewer votes.

(2) The returning officer must exclude whichever of the candidates had the lowest number of votes at the earliest stage of the count at which they had an unequal number of votes.

(3) Where the number of votes credited to the candidates was equal at all stages, the returning officer must—

- (a) decide between the candidates by lot, and  
 (b) the candidate on whom the lot falls must be excluded.

### **Exclusion of candidates: supplementary provision**

**60R.**—(1) The exclusion of a candidate, or of two or more candidates together, under rule 60O constitutes a further stage of the count.

- (2) The returning officer must take the following steps after the completion of the transfer of transferable papers under rule 60O(5) or after a group of ballot papers formed under rule 60P(2) has been dealt with in accordance with rule 60P(3) to (5)—
  - (a) record the total value of votes transferred to each candidate under rule 60O(5) or 60P(4);
  - (b) add that total to the previous total of votes recorded for each candidate and record the new total,
  - (c) record the value of the votes in the groups of non-transferable papers formed under rule 60O(4) or 60P(3), and
  - (d) add that value to the previously recorded total of non-transferable votes.
- (3) The returning officer must then compare—
  - (a) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with
  - (b) the recorded total of valid first preference votes.
- (4) All ballot papers transferred under rule 60O(5) or 60P(4) must be clearly marked, either individually or as a group, so as to indicate the transfer value at which the vote on the paper is transferred or, as the case may be, the transfer value of all the votes on the papers in that group.
- (5) The returning officer must include a ballot paper in the group of non-transferable papers formed under rule 60O(4) or 60P(3) if—
  - (a) the returning officer is of the opinion that the ballot paper indicates that the preference next in the order of preference has been given to two or more candidates (whether or not consecutive candidates),
  - (b) the returning officer is of the opinion that the next preference on the ballot paper (whether or not for a continuing candidate) does not follow consecutively after the preference immediately before it, or
  - (c) it is unclear to the returning officer for any other reason which candidate is next in the order of preference.

### **Filling of last vacancies**

**60S.**—(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates are treated as elected.

(2) Where only one vacancy remains unfilled, the continuing candidate then credited with the highest number of votes must be treated as elected if that number of votes is equal to or greater than the total number of votes then credited to the other continuing candidates together with any surpluses not transferred.

(3) Where the last vacancies can be filled under this rule, no further transfer of votes may be made.

(4) For the meaning of “continuing candidate” and “surplus”, see rule 60F.

### **Re-count**

**60T.**—(1) The returning officer, on completion of each stage of the count, must inform all the candidates and their election agents then present of the intention, subject to a request for a re-count, to proceed to the next stage.

(2) Before the returning officer proceeds, any candidate or election agent present at the count may request that a re-count be undertaken of the last completed stage.

(3) The returning officer must comply with the request unless the returning officer’s opinion is that the request is unreasonable.

(4) If no request is made the returning officer must proceed with the next stage of the count.

(5) Where, as a result of a re-count an error is discovered, the returning officer must, where necessary, amend any results that have been previously announced.

#### **Order of election of candidates**

**60U.**—(1) The order in which candidates whose vote exceeds the quota are treated as elected is the order in which their respective surpluses were transferred or would have been transferred but for rule 60L(2) or (3).

(2) A candidate credited with a number of votes equal to the quota is to be placed (in the order of those treated as elected) after any other candidates treated as elected at the same time who had surpluses.

(3) For the meaning of “quota” and “surplus”, see rule 60F.

#### **Decisions on ballot papers**

**60V.** The decision of the returning officer on any question arising in respect of a ballot paper, the transfer of ballot papers or the exclusion of candidates is final, but may be reviewed on an election petition.

#### **Declaration of result at contested election**

**60W.**—(1) Where all stages of the count have been completed, the returning officer must declare to be elected the candidates who have been treated as elected under this Chapter.

(2) The returning officer must give a notice stating the names and addresses of the candidates elected to the proper officer of the council for which the election was held.

(3) The returning officer must also publish notice of—

- (a) the names of the candidates elected;
- (b) the number of first and subsequent preferences for each candidate (whether elected or not);
- (c) the number of ballot papers transferred and their transfer values at each stage of the count;
- (d) the number of votes credited to each candidate at each stage of the count;
- (e) the number of non-transferable ballot papers and the number of non-transferable votes at each stage of the count;
- (f) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.”.

#### **Amendment of Part 5 of Schedule 1 to the 2021 Rules**

**5.** In rule 62 (delivery of documents to registration officer at contested elections) in Schedule 1 to the 2021 Rules—

- (a) in paragraph (2)(c), after “rule 56(7)” insert “or rule 60E(6)”; and
- (b) in paragraph (2)(d), after “rule 54(5)” insert “or rule 60C(5)”.

### **Amendment of Appendices to Schedule 1 to the 2021 Rules**

- 6.—(1) The Appendices to Schedule 1 to the 2021 Rules are amended as follows.
- (2) After Appendix 2 insert Appendix 2A as set out in Schedule 1.
  - (3) After Appendix 4 insert Appendix 4A as set out in Schedule 2.
  - (4) After Appendix 5 insert Appendix 5A as set out in Schedule 3.
  - (5) After Appendix 6 insert Appendix 6A as set out in Schedule 4.

### **Amendment of Part 3 of Schedule 2 to the 2021 Rules**

- 7.—(1) Part 3 of Schedule 2 to the 2021 Rules is amended as follows.
- (2) In rule 21 (poll to be taken by ballot), for paragraph (2), substitute—
    - “(2) The result must be ascertained—
      - (a) where the voting system that applies at the election is the simple majority system, in accordance with Part 4;
      - (b) where the voting system that applies at the election is the single transferable vote system, in accordance with Part 4A.”.
  - (3) In rule 22 (the ballot papers)—
    - (a) in paragraph (3), at the beginning insert “Where the voting system that applies at the election is the simple majority system,”;
    - (b) after paragraph (3) insert—
      - “(3A) Where the voting system that applies at the election is the single transferable vote system, a ballot paper must be—
        - (a) in the form in Appendix 2A, and
        - (b) printed in accordance with the directions in that Appendix.”.
  - (4) In rule 28 (postal ballot papers)—
    - (a) in paragraph (1)(b), for “Appendix 4” substitute “the applicable Appendix”;
    - (b) after paragraph (1) insert—
      - “(1A) In paragraph (1)(b), “the applicable Appendix” means—
        - (a) where the voting system that applies at the election is the simple majority system, Appendix 4;
        - (b) where the voting system that applies at the election is the single transferable vote system, Appendix 4A.”.
  - (5) In rule 31 (issue of official poll cards)—
    - (a) in paragraph (4), for “Appendix 5” substitute “the applicable Appendix”;
    - (b) in paragraph (6)(a), for “Appendix 5” substitute “the applicable Appendix”;
    - (c) in paragraph (8), before sub-paragraph (a) insert—
      - “(aa) “the applicable Appendix” means—
        - (i) where the voting system that applies at the election is the simple majority system, Appendix 5;
        - (ii) where the voting system that applies at the election is the single transferable vote system, Appendix 5A.”.
  - (6) In rule 32 (equipment of polling stations)—
    - (a) in paragraph (11), for “Appendix 6” substitute “the applicable Appendix”;

- (b) after paragraph (11) insert—
  - “(11A) In paragraph (11), “the applicable Appendix” means—
    - (a) where the voting system that applies at the election is the simple majority system, Appendix 6;
    - (b) where the voting system that applies at the election is the single transferable vote system, Appendix 6A.”;
- (c) in paragraph (13), at the beginning insert “Where the voting system that applies at the election is the simple majority system,”;
- (d) after paragraph (13) insert—
  - “(13A) Where the voting system that applies at the election is the single transferable vote system, a notice containing instructions for marking the ballot paper at the principal area election and each relevant election must be exhibited inside each voting compartment in each polling station and, in relation to the principal area election, that information must include the following—
    - (a) an instruction to the voter to put the number 1 in the voting box next to their first choice;
    - (b) an explanation to the voter that they may make as many or as few additional choices as they wish, together with an instruction on how to do this by putting the number 2 next to their second choice, the number 3 next to their third choice and so on.”.

**Insertion of Part 4A of Schedule 2 to the 2021 Rules**

- 8.—(1) For the heading of Part 4 of Schedule 2 to the 2021 Rules substitute—

*“Counting of Votes: Elections using the Simple Majority System ”.*

- (2) At the end of Part 4 insert—

**“Part 4A**

**Counting of Votes: Elections Using the Single Transferable Vote System**

**CHAPTER 1**

**Introductory Provisions**

**Overview of rules and interpretation**

- 64A.**—(1) This rule provides an overview of the application of this Part.
- (2) Where the returning officer is the co-ordinating returning officer, the following rules apply—
  - (a) rule 64B (attendance at proceedings);
  - (b) rule 64C (preliminary and general duties);
  - (c) rule 64D (separation of ballot papers etc.);
  - (d) the rules in Chapter 2 (ascertaining the result).
- (3) Where the returning officer is not the co-ordinating returning officer, the following rules apply—



- (a) rule 64B(1) and (3) to (8) (attendance at proceedings);
  - (b) rule 64E (preliminary and general duties);
  - (c) rule 64F (opening of containers etc.);
  - (d) the rules in Chapter 2 (ascertaining the result).
- (4) In this Part—
- (a) references to the principal area counting agents are to the counting agents appointed for the purposes of the principal area election;
  - (b) references to the other counting agents are to the counting agents appointed for the purposes of any relevant election;
  - (c) references to the principal area election agents are to the election agents appointed for the purposes of the principal area election;
  - (d) references to the other election agents are to the election agents appointed for the purposes of any relevant election.

#### **Attendance at proceedings under this Part**

**64B.**—(1) The following persons are entitled to attend proceedings under rules 64D(2) to (10) and 64F and under the rules in Chapter 2—

- (a) the returning officer and members of the returning officer’s staff;
- (b) each candidate and a guest of each candidate;
- (c) the principal area election agents;
- (d) the principal area counting agents;
- (e) any person who is entitled to attend by virtue of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 (representatives of the Electoral Commission and accredited observers);
- (f) the constables on duty.

(2) In addition, any person who is entitled to attend the counting of votes at a relevant election is entitled to attend proceedings under rule 64D(2) to (10).

(3) The returning officer may permit any other person to attend proceedings under any of rules 64D(2) to (10) or 64F or under any of the rules in Chapter 2.

(4) Permission may not be given under paragraph (3) unless the returning officer—

- (a) is satisfied that the person’s attendance will not impede the efficient discharge of the returning officer’s functions, and
- (b) has either consulted the appropriate persons about whether to give permission or decided that it is not practicable to consult them.

(5) For the purposes of paragraph (4)(b), “the appropriate persons” are—

- (a) in the case of proceedings under rule 64D(2) to (10), the principal area election agents and the other election agents;
- (b) in the case of any other proceedings, the principal area election agents.

(6) The returning officer must give any counting agents who are entitled to attend all such reasonable facilities for overseeing the proceedings, and all such information about them, as the returning officer is able to give consistently with the orderly conduct of the proceedings and the discharge of the returning officer’s duties.

(7) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom first preferences are given and then counting the number of ballot papers

for each candidate, the principal area counting agents are entitled to satisfy themselves that the ballot papers are correctly sorted.

(8) The returning officer must make arrangements to ensure that every person attending at the counting of votes (other than the constables on duty) has been given a notice setting out the provisions of section 66(2) and (6) of the 1983 Act (notification of requirement of secrecy).

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

#### **Preliminary and general duties where returning officer is co-ordinating returning officer**

**64C.**—(1) This rule applies where the returning officer is the co-ordinating returning officer.

(2) The returning officer must make arrangements for discharging the functions under rule 64D as soon as practicable after the close of the poll.

(3) The returning officer must give the principal area counting agents and the other counting agents a notice stating the time and place at which the returning officer will begin to discharge the functions under rule 64D.

(4) While counting and recording the number of ballot papers and counting the votes, the returning officer must—

- (a) keep the ballot papers with their faces upwards, and
- (b) take such other precautions as are appropriate for the purpose of preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

#### **Separation of ballot papers etc. where returning officer is co-ordinating returning officer**

**64D.**—(1) This rule applies where the returning officer is the co-ordinating returning officer.

(2) The returning officer must, in the presence of the principal area counting agents and the other counting agents—

- (a) open each ballot box and take out the ballot papers,
- (b) separate the ballot papers according to the election at which they were used,
- (c) count the ballot papers used at each election, and
- (d) record separately the number of ballot papers used at each election.

(3) The returning officer must not count any tendered ballot paper.

(4) Where separate ballot boxes were used at the poll, no vote for a candidate at the principal area election is to be treated as invalid because it was placed in the ballot box intended for use at a relevant election.

(5) The returning officer must, in the presence of the principal area election agents and the other election agents, verify each ballot paper account by comparing it with the number of ballot papers recorded, the unused and spoilt ballot papers in the returning officer's possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and tendered votes list).

- (6) The returning officer must prepare a statement as to the result of the verification and give a copy of the statement to any principal area election agent, and to any other election agent, who requests it.
- (7) The returning officer must also—
  - (a) count the postal ballot papers that have been properly returned (as to which see rule 64G), and
  - (b) record separately the number counted at the poll at the principal area election and at each relevant election.
- (8) The returning officer must then—
  - (a) make up into packets the ballot papers for each relevant election, and
  - (b) seal up the packets in separate containers endorsing on each a description of the area to which the ballot papers relate.
- (9) The returning officer must then deliver or cause to be delivered to the returning officer for each relevant election—
  - (a) the containers of ballot papers relating to the election, together with a list of the containers and their contents,
  - (b) the ballot paper accounts relating to the election, together with a copy of the statements as to the result of the verification, and
  - (c) the packets of unused and spoiled ballot papers and tendered ballot papers.
- (10) The returning officer must then mix together all the ballot papers used at the principal area election.

**Preliminary and general duties where returning officer is not the co-ordinating returning officer**

- 64E.**—(1) This rule applies where the returning officer is not the co-ordinating returning officer.
- (2) The returning officer must make arrangements for counting the votes in the presence of the principal area counting agents as soon as practicable after the delivery of the ballot papers by the returning officer who is the co-ordinating returning officer.
  - (3) The returning officer must give the principal area counting agents a notice stating the time when the counting of votes will begin (on the assumption that the ballot papers have been delivered) and the place at which the count will take place.
  - (4) While counting and recording the number of ballot papers and counting the votes, the returning officer must—
    - (a) keep the ballot papers with their faces upwards, and
    - (b) take such other precautions as are appropriate for the purpose of preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

**Opening of containers etc. where returning officer is not the co-ordinating returning officer**

- 64F.**—(1) This rule applies where the returning officer is not the co-ordinating returning officer.
- (2) On receipt of the containers of ballot papers from the returning officer who is the co-ordinating returning officer, and after the time specified in the notice given under rule 64E(3),

the returning officer must open each container in the presence of the principal area counting agents.

(3) Where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election under regulation 65 of the Representation of the People (England and Wales) Regulations 2001<sup>(7)</sup> or under that regulation as applied by regulations under section 44 of the Local Government Act 2000<sup>(8)</sup>, the returning officer must count the postal ballot papers that have been properly returned and record the number counted.

(4) The returning officer must then mix together all the postal ballot papers and all the ballot papers from the containers.

### **Further provision about postal ballot papers**

**64G.**—(1) This rule applies for determining whether a postal ballot paper is to be treated as properly returned as mentioned in rules 64D(7)(a) and 64F(3).

(2) A postal ballot paper is to be treated as properly returned if the ballot paper and the accompanying postal voting statement properly completed are—

- (a) handed in at a polling station in the appropriate area before the close of the poll,
- (b) given by hand to the returning officer before the close of the poll, or
- (c) received by the returning officer by post before the close of the poll.

(3) A postal voting statement is properly completed if—

- (a) it is signed by the elector or (as the case may be) the proxy, unless the registration officer has dispensed with the requirement for a signature,
- (b) it states the date of birth of the elector or (as the case may be) the proxy, and
- (c) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations under the 1983 Act, the returning officer has taken those steps and verified the date of birth and (except in a case where the requirement for a signature has been dispensed with) the signature.

(4) Where, at the close of the poll, a person is in the polling station, or in a queue outside the polling station, for the purpose of handing in a postal ballot paper and postal voting statement—

- (a) the person must be permitted to hand the ballot paper and statement in at the polling station, and
- (b) where handed in, they are to be treated as having been handed in before the close of the poll for the purposes of this rule.

(5) “The appropriate area” referred to in paragraph (2)(a) is the area which is identified by—

- (a) establishing the polls in respect of which the postal voter has been issued with a ballot paper,
- (b) identifying the constituency or other area in respect of which each of those polls is being held, and
- (c) then identifying the area that is common to all those areas.

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(7) [S.I. 2001/341](#). Regulation 65 was amended by paragraph 16(4) of Schedule 2 to the Local Government and Elections (Wales) Act 2021.

(8) [2000 c. 22](#). Section 44 was amended by paragraph 18(2) of Schedule 21 to the Political Parties, Elections and Referendums Act 2000. Functions of a Minister of the Crown under section 44, so far as exercisable within devolved competence, were transferred to the Welsh Ministers by article 45 of, and Schedule 1 to, the Welsh Ministers (Transfer of Functions) Order 2018 ([S.I. 2018/644](#)).

**The count: general**

**64H.**—(1) This rule applies where the returning officer has mixed the ballot papers under rule 64D(10) or 64F(4).

(2) Subject to paragraph (3), the returning officer must, so far as practicable, proceed continuously with the counting of votes until all vacancies have been filled, allowing only time for refreshment.

(3) The returning officer may exclude any hours between 7 p.m. and 9 a.m. on the following morning.

(4) During any time that is excluded, the returning officer must—

- (a) place the ballot papers and other documents relating to the election under the returning officer’s seal and the seals of any principal area counting agents who wish to affix their seals, and
- (b) otherwise take proper precautions for the security of the ballot papers and other documents.

**The count: rejected ballot papers**

**64I.**—(1) Subject to paragraph (2), the following ballot papers are void and must not be counted—

- (a) a ballot paper that does not bear the official mark;
- (b) a ballot paper on which the figure “1” standing alone is not placed so as to indicate a first preference for some candidate;
- (c) a ballot paper on which the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate;
- (d) a ballot paper 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;
- (e) a ballot paper that is unmarked or void for uncertainty.

(2) Paragraph (3) applies to a ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by the use of words or any other mark instead of a figure.

(3) The ballot paper is not, by reason only of how the vote is marked, to be treated as void if, in the returning officer’s opinion, it is clear from the ballot paper that the voter clearly indicated a preference or preferences.

(4) The returning officer must endorse the word “rejected” on any ballot paper which, in accordance with this rule, is not to be counted.

(5) If a counting agent objects to the returning officer’s decision, the returning officer must add the words “rejection objected to” to the endorsement.

(6) The returning officer must prepare a statement showing the number of ballot papers rejected.

(7) The statement must set out the number rejected under each of sub-paragraphs (a) to (e) of paragraph (1).

## CHAPTER 2

### Ascertaining the Result

#### Application and interpretation

**64J.** In this Chapter—

“continuing candidate” (*“ymgeisydd sy’n parhau”*) means any candidate who is not already treated as elected and is not excluded under rule 64S;

“count” (*“cyfrif”*) means all the operations involved in the counting of first preferences recorded for candidates, the transfer of transferable papers from candidates who are treated as elected and have a surplus, and the transfer of transferable papers from candidates who are excluded under rule 64S;

“next available preference” (*“dewis nesaf sydd ar gael”*) means a preference which is the second or subsequent preference in consecutive order for a continuing candidate (and therefore does not include a preference for a candidate who is treated as elected or a preference for a candidate who is excluded under rule 64S);

“quota” (*“cwota”*) means the number calculated in accordance with rule 64L;

“stage of the count” (*“cam o’r cyfrif”*) means—

- (a) the determination of the first preference votes for each candidate;
- (b) the transfer of the transferrable papers of a candidate who is treated as elected and has a surplus (see rules 64N and 64O);
- (c) the exclusion of one or more candidates at any given time (see rule 64S);

“surplus” (*“pleidleisiau dros ben”*) means the number of votes by which the total number of votes for any candidate exceeds the quota.

#### Counting of first preference votes

**64K.**—(1) The returning officer must sort the valid ballot papers into groups according to the candidates for whom first preference votes are given.

(2) The returning officer must then—

- (a) count the number of ballot papers in each group, and
- (b) record those numbers.

(3) The returning officer must also ascertain and record the total number of valid ballot papers.

#### Determining the quota

**64L.** The returning officer must take the following steps to determine the number of votes sufficient to secure the return of a candidate as a councillor (“the quota”).

##### *Step 1*

Take the total number of valid ballot papers recorded for the electoral ward under rule 64K(3).

##### *Step 2*

Take the number of councillors to be elected for the electoral ward and add one.

##### *Step 3*

Divide the number taken at step 1 by the number taken at step 2. If the result of the division contains decimal places, ignore them.

*Step 4*

Add one to the result of the division at step 3 (ignoring any decimals). This number is the quota.

**Return of councillors**

**64M.**—(1) Where, at any stage of the count, the number of votes for a candidate equals or exceeds the quota, the candidate is treated as elected.

(2) For the purpose of determining whether the number of first preference votes for any candidate equals or exceeds the quota, the candidate is to be credited with one vote for each ballot paper on which a first preference vote is given for the candidate.

(3) Rules 64N, 64O, 64S and 64T make provision about the number of votes to be credited to a candidate where a ballot paper on which a second or subsequent preference for the candidate is transferred to the candidate in accordance with those rules.

(4) A candidate who is treated as elected is returned as a councillor when the returning officer declares the candidate to be elected in accordance with rule 64Z1.

(5) For the meaning of “quota”, see rule 64J.

**Transfers where first preference votes exceed the quota**

**64N.**—(1) This rule applies where the number of first preference votes for a candidate exceeds the quota.

(2) The returning officer must sort all the ballot papers on which first preference votes are given for the candidate so that they are grouped—

- (a) according to the continuing candidate for whom the next available preference is given on those papers, or
- (b) where no next available preference is given, as a separate group.

The ballot papers in the groups formed under paragraph (a) (“transferable papers”) are to be transferred in accordance with paragraphs (4) and (5) of this rule. The ballot papers in the group formed under paragraph (b) (“non-transferable papers”) are not to be transferred.

(3) The returning officer must count the number of ballot papers in each group of transferable papers and in the group of non-transferable papers.

(4) The returning officer must then transfer each group of transferable papers to the continuing candidate for whom the next available preference is given on those papers.

(5) The vote on each transferable paper is transferred at a value (“the transfer value”) which is calculated by taking the following steps.

*Step 1*

Take the surplus of the candidate from whom ballot papers are being transferred.

*Step 2*

Divide the surplus by the total number of ballot papers being transferred. Make the calculation to two decimal places and ignore the remainder. This is the transfer value.

(6) For the meaning of “continuing candidate”, “next available preference”, “quota” and “surplus”, see rule 64J.

(7) See also—

rule 64P (which sets out circumstances in which votes are not to be transferred under this rule);  
 rule 64Q (which sets out the order in which surpluses are to be transferred where two or more candidates have surpluses);  
 rule 64R (which makes supplementary provision).

### **Other transfers where votes exceed the quota**

**64O.**—(1) This rule applies where, at the end of any stage of the count involving the transfer of ballot papers, the number of votes for a candidate exceeds the quota.

(2) The returning officer must sort all the ballot papers in the group of transferred papers last received by that candidate so that they are grouped—

- (a) according to the continuing candidate for whom the next available preference is given on those papers, or
- (b) where no next available preference is given, as a separate group.

The ballot papers in the groups formed under paragraph (a) (“transferable papers”) are to be transferred in accordance with paragraphs (4) and (5) of this rule. The ballot papers in the group formed under paragraph (b) (“non-transferable papers”) are not to be transferred.

(3) The returning officer must count the number of ballot papers in each group of transferable papers and in the group of non-transferable papers.

(4) The returning officer must then transfer each group of transferable papers to the continuing candidate for whom the next available preference is given on those papers.

(5) The vote on each transferable paper is transferred at a value (“the transfer value”) which is calculated by taking the following steps.

#### *Step 1*

Take the surplus of the candidate from whom ballot papers are being transferred.

#### *Step 2*

Divide the surplus by the total number of ballot papers being transferred. Make the calculation to two decimal places and ignore the remainder.

#### *Step 3*

Compare the number arrived at following step 2 to the value of the vote on the ballot paper had when it was received by the candidate from whom ballot papers are now being transferred.

If the number arrived at following step 2 is less than or the same as the value of the vote on the ballot paper when it was received by that candidate, that number is the transfer value.

If the number arrived at following step 2 is greater than the value of the vote on the ballot paper when it was received by that candidate, the value of the vote when it was received by that candidate is the transfer value.

(6) For the meaning of “continuing candidate”, “next available preference”, “quota” and “surplus”, see rule 64J.

(7) See also—

rule 64P (which sets out circumstances in which votes are not to be transferred under this rule);  
 rule 64Q (which sets out the order in which surpluses are to be transferred where two or more candidates have surpluses);  
 rule 64R (which makes supplementary provision).



### **Circumstances in which votes are not transferred under rule 64N or 64O**

**64P.**—(1) Subject to paragraphs (2) and (3), the returning officer must continue to make transfers under rules 64N and 64O until—

- (a) there is no candidate who is treated as elected who has a surplus, or
- (b) all the vacancies have been filled (after the application, where relevant, of rule 64W).

(2) Transferable papers are not to be transferred where, at any stage of the count, a surplus (or, where two or more candidates have surpluses, the total of those surpluses) is less than the difference between—

- (a) the number of votes then credited to the continuing candidate with the lowest number of votes, and
- (b) the number of votes then credited to the continuing candidate who is next above that candidate.

(3) Transferable papers are not to be transferred where, at any stage of the count, a surplus (or, where two or more candidates have surpluses, the total of those surpluses) is less than the difference between—

- (a) the total number of votes then credited to the two or more continuing candidates with the lowest number of votes, and
- (b) the number of votes then credited to the continuing candidate who is next above those candidates.

(4) Rules 64N and 64O do not apply at an election where there is only one vacancy.

(5) For the meaning of “continuing candidate” and “surplus”, see rule 64J.

### **Order of transfers under rules 64N and 64O**

**64Q.**—(1) If, at any stage of the count, two or more candidates have surpluses that are to be dealt with under rule 64N or 64O, the transferable papers of the candidate with the largest surplus must be transferred first.

(2) If the surpluses in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest number of votes at the earliest stage of the count at which they had unequal votes must be transferred first.

(3) If the votes credited to two or more candidates were equal at all stages of the count—

- (a) the returning officer must decide between those candidates by lot, and
- (b) the transferable papers of the candidate on whom the lot falls must be transferred first.

(4) For the meaning of “surplus”, see rule 64J.

### **Transfers under rules 64N and 64O: supplementary provision**

**64R.**—(1) Each transfer under rule 64N or 64O of all transferable papers from a candidate who has a surplus constitutes a stage in the count.

(2) The returning officer must, on the completion of that stage—

- (a) record the total transfer value of the votes transferred to each candidate,
- (b) add that value to the previous total of votes recorded for each candidate and record the new total,
- (c) record as non-transferable votes the difference between the surplus and the total transfer value of the transferred votes, and

- (d) add that difference to the previously recorded total of non-transferable votes.
- (3) The returning officer must then compare—
  - (a) the total number of votes then recorded for all the candidates, together with the total number of non-transferable votes, with
  - (b) the recorded total of valid first preference votes.
- (4) All ballot papers transferred under rule 64N or 64O must be clearly marked, either individually or as a group, so as to indicate the transfer value at which the vote on the paper is transferred or, as the case may be, the transfer value of all the votes on the papers in that group.
- (5) The returning officer must include a ballot paper in the group of non-transferable papers formed under rule 64N(2) or 64O(2) if—
  - (a) the returning officer is of the opinion that the ballot paper indicates that the preference next in the order of preference has been given to two or more candidates (whether or not consecutive candidates),
  - (b) the returning officer is of the opinion that the next preference on the ballot paper (whether or not for a continuing candidate) does not follow consecutively after the preference immediately before it, or
  - (c) it is unclear to the returning officer for any other reason which candidate is next in the order of preference.
- (6) For the meaning of “surplus”, see rule 64J.

#### **Exclusion of candidates and transfer of first preference ballot papers**

- 64S.**—(1) This rule applies where—
- (a) the returning officer has transferred all the transferable papers that the returning officer is required to transfer under any provision of this Chapter, and
  - (b) one or more vacancies remain to be filled (after the application, where relevant, of rule 64W).
- (2) Subject to paragraph (3), the returning officer must exclude from the election at that stage the candidate with the then lowest number of votes.
- (3) The returning officer must exclude two or more candidates with the lowest number of votes where the total number of those candidates’ votes, together with any surpluses that have not been transferred, is less than the number of votes then credited to the candidate who is next above those candidates.
- (4) The returning officer must sort all the ballot papers on which first preference votes are given for the candidate or candidates who are excluded so that they are grouped—
- (a) according to the continuing candidate for whom the next available preference is given on those papers, or
  - (b) where no next available preference is given, as a separate group.
- The ballot papers in the groups formed under paragraph (a) (“transferable papers”) are to be transferred in accordance with this rule. The ballot papers in the group formed under paragraph (b) (“non-transferable papers”) are not to be transferred.
- (5) The returning officer must transfer each group of transferable papers to the continuing candidate for whom the next available preference is given on those papers.
- (6) The vote on each transferable paper is transferred at a transfer value, which is the value of 1.

(7) Where the returning officer has completed the transfers required by paragraph (5) and one or more vacancies remain to be filled (after the application where relevant of rule 64W), the returning officer must next act in accordance with rule 64T.

(8) Paragraph (7) applies whether or not any candidate is treated as elected following the transfers and has a surplus.

(9) For the meaning of “continuing candidate”, “next available preference” and “surplus”, see rule 64J.

(10) See also—

rule 64U (which deals with the order of exclusion where more than one candidate has the lowest number of votes);

rule 64V (which makes supplementary provision).

### **Transfer of excluded candidates’ other ballot papers**

**64T.**—(1) This rule applies where—

- (a) the returning officer has transferred all the transferable papers of an excluded candidate or candidates that the returning officer is required to transfer under rule 64S, and
- (b) one or more vacancies remain to be filled (after the application, where relevant, of rule 64W).

(2) The returning officer must sort all the ballot papers, if any, which were transferred to the excluded candidate (or any of the excluded candidates) at an earlier stage in the count into groups according to the transfer value at which the votes were received by that candidate.

(3) The returning officer must then sort the ballot papers in the group of ballot papers with votes of the highest transfer value into further groups as follows—

- (a) according to the continuing candidate for whom the next available preference is given on those papers, or
- (b) where no next available preference is given, as a separate group.

The ballot papers in the groups formed under paragraph (a) (“transferable papers”) are to be transferred in accordance with paragraphs (4) and (5) of this rule. The ballot papers in the group formed under paragraph (b) (“non-transferable papers”) are not to be transferred.

(4) The returning officer must transfer each group of transferable papers to the continuing candidate for whom the next available preference is given on those papers.

(5) The vote on the ballot paper on each transferable paper is transferred at a transfer value, which is the value at which the vote was received by the excluded candidate from whom the paper is being transferred.

(6) Where the returning officer has completed the transfers required by paragraph (4) and one or more vacancies remain to be filled (after the application where relevant of rule 64W), the returning officer must repeat the steps in paragraphs (3) to (5) in relation to the remaining groups of ballot papers formed under paragraph (2), dealing with each group in descending order according to the value of the votes until either—

- (a) there are no remaining vacancies to be filled (after the application where relevant of rule 64W), or
- (b) every group has been dealt with.

(7) Paragraph (6) applies whether or not any candidate is treated as elected and has a surplus following the completion of the steps in paragraphs (3) to (5) in relation to the group of ballot papers with votes of the highest transfer value or in relation to any of the remaining groups.

(8) In a case where every group of ballot papers formed under paragraph (2) has been dealt with but (after the application, where relevant, of rule 64W) one or more vacancies remain to be filled, the returning officer must proceed as follows—

- (a) in accordance with rule 64O if, at that stage, any candidate is treated as elected and has a surplus, and
- (b) otherwise in accordance with rule 64S.

(9) For the meaning of “continuing candidate”, “next available preference” and “surplus”, see rule 64J.

(10) See also rule 64V (which makes supplementary provision).

### **Order of exclusion**

**64U.**—(1) This rule applies where—

- (a) the returning officer is deciding which candidate to exclude under rule 64S(2),
- (b) two or more candidates each have the same number of votes, and
- (c) no other candidate has fewer votes.

(2) The returning officer must exclude whichever of the candidates had the lowest number of votes at the earliest stage of the count at which they had an unequal number of votes.

(3) Where the number of votes credited to the candidates was equal at all stages, the returning officer must—

- (a) decide between the candidates by lot, and
- (b) the candidate on whom the lot falls must be excluded.

### **Exclusion of candidates: supplementary provision**

**64V.**—(1) The exclusion of a candidate, or of two or more candidates together, under rule 64S constitutes a further stage of the count.

(2) The returning officer must take the following steps after the completion of the transfer of transferable papers under rule 64S(5) or after a group of ballot papers formed under rule 64T(2) has been dealt with in accordance with rule 64T(3) to (5)—

- (a) record the total value of votes transferred to each candidate under rule 64S(5) or 64T(4);
- (b) add that total to the previous total of votes recorded for each candidate and record the new total,
- (c) record the value of the votes in the groups of non-transferable papers formed under rule 64S(4) or 64T(3), and
- (d) add that value to the previously recorded total of non-transferable votes.

(3) The returning officer must then compare—

- (a) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with
- (b) the recorded total of valid first preference votes.

(4) All ballot papers transferred under rule 64S(5) or 64T(4) must be clearly marked, either individually or as a group, so as to indicate the transfer value at which the vote on the paper is transferred or, as the case may be, the transfer value of all the votes on the papers in that group.

(5) The returning officer must include a ballot paper in the group of non-transferable papers formed under rule 64S(4) or 64T(3) if—

- (a) the returning officer is of the opinion that the ballot paper indicates that the preference next in the order of preference has been given to two or more candidates (whether or not consecutive candidates),
- (b) the returning officer is of the opinion that the next preference on the ballot paper (whether or not for a continuing candidate) does not follow consecutively after the preference immediately before it, or
- (c) it is unclear to the returning officer for any other reason which candidate is next in the order of preference.

### **Filling of last vacancies**

**64W.**—(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates are treated as elected.

(2) Where only one vacancy remains unfilled, the continuing candidate then credited with the highest number of votes must be treated as elected if that number of votes is equal to or greater than the total number of votes then credited to the other continuing candidates together with any surpluses not transferred.

(3) Where the last vacancies can be filled under this rule, no further transfer of votes may be made.

(4) For the meaning of “continuing candidate” and “surplus”, see rule 64J.

### **Re-count**

**64X.**—(1) The returning officer, on completion of each stage of the count, must inform all the candidates and their election agents then present of the intention, subject to a request for a re-count, to proceed to the next stage.

(2) Before the returning officer proceeds, any candidate or election agent present at the count may request that a re-count be undertaken of the last completed stage.

(3) The returning officer must comply with the request unless the returning officer’s opinion is that the request is unreasonable.

(4) If no request is made the returning officer must proceed with the next stage of the count.

(5) Where, as a result of a re-count an error is discovered, the returning officer must, where necessary, amend any results that have been previously announced.

### **Order of election of candidates**

**64Y.**—(1) The order in which candidates whose vote exceeds the quota are treated as elected is the order in which their respective surpluses were transferred or would have been transferred but for rule 64P(2) or (3).

(2) A candidate credited with a number of votes equal to the quota is to be placed (in the order of those treated as elected) after any other candidates treated as elected at the same time who had surpluses.

(3) For the meaning of “quota” and “surplus”, see rule 64J.

### **Decisions on ballot papers**

**64Z.** The decision of the returning officer on any question arising in respect of a ballot paper, the transfer of ballot papers or the exclusion of candidates is final, but may be reviewed on an election petition.

### **Declaration of result at contested election**

**64Z1.**—(1) Where all stages of the count have been completed, the returning officer must declare to be elected the candidates who have been treated as elected under this Chapter.

(2) The returning officer must give a notice stating the names and addresses of the candidates elected to the proper officer of the council for which the election was held.

(3) The returning officer must also publish notice of—

- (a) the names of the candidates elected;
- (b) the number of first and subsequent preferences for each candidate (whether or not elected);
- (c) the number of ballot papers transferred and their transfer values at each stage of the count;
- (d) the number of votes credited to each candidate at each stage of the count;
- (e) the number of non-transferable ballot papers and the number of non-transferable votes at each stage of the count;
- (f) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.”.

### **Amendment of Part 5 of Schedule 2 to the 2021 Rules**

**9.** In rule 66 (delivery of documents to registration officer at contested elections) of Schedule 2 to the 2021 Rules—

- (a) in paragraph (2)(c), after “rule 60(7)” insert “or rule 64I(6)”;
- (b) in paragraph (2)(d), after “rule 55(6)” insert “or rule 64D(6)”.

### **Amendment of Appendices to Schedule 2 to the 2021 Rules**

**10.**—(1) The Appendices to Schedule 2 to the 2021 Rules are amended as follows.

- (2) After Appendix 2, insert Appendix 2A as set out in Schedule 5.
- (3) After Appendix 4, insert Appendix 4A as set out in Schedule 6.
- (4) After Appendix 5, insert Appendix 5A as set out in Schedule 7.
- (5) After Appendix 6, insert Appendix 6A as set out in Schedule 8.

### **Other amendments of the 2021 Rules**

**11.** In rule 54(3) of Schedule 2 to the 2021 Rules, for “rule 56”, substitute “rule 55”.

4 October 2023

*Rebecca Evans*  
Minister for Finance and Local Government, one  
of the Welsh Ministers

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## SCHEDULES

### SCHEDULE 1

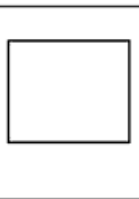
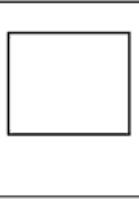
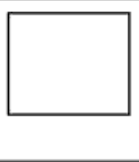
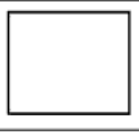
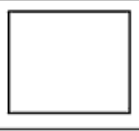

Rule 6(2)

#### Appendix 2A

#### Rule 22(3A)(a)

<b>Form of front of ballot paper</b>			
<b>Election of councillors to [insert the name of the county or county borough council] – [insert name of ward]</b>			
You can make as many or as few choices as you want to. Put the number <b>1</b> in the voting box next to your first choice. Put the number <b>2</b> in the voting box next to your second choice. Put the number <b>3</b> in the voting box next to your third choice. <b>And so on.</b>			
<b>JAMES, Lisa</b> 6, Y Stryd, Y Dre CY36 4EZ <b>Promotion of Ethics in</b> <b>Local Government Party</b>	<table border="1"><tr><td>Emblem</td><td></td></tr></table>	Emblem	
Emblem			

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<p><b>KAY, Michael</b> 12, High Street, CP1 5LL <b>Electoral Law Improvement Party</b></p>	<p>Emblem</p>	
<p><b>THOMAS, Gareth</b> Iceland <b>Electoral Law Improvement Party</b></p>	<p>Emblem</p>	
<p><b>THOMAS RICHARDS, Angharad</b> The County of Hafod <b>Good Law Party</b></p>	<p>Emblem</p>	
<p><b>WILLIAMS, Sian</b> 92, The Avenue, CP12 3LO <b>Independent</b></p>		
<p><b>WYATT, Cath</b> The County of Cornwall <b>Efficiency Party</b></p>	<p>Emblem</p>	
<p><b>XERRI, Mathew</b> 24 Pen-y- Lan, CP2 6NQ <b>Good Law Party</b></p>	<p>Emblem</p>	

<p><b>Form of back of ballot paper</b></p> <p>Number:</p> <p>Other unique identifying mark:</p> <p>Election for the [insert name] electoral ward of the [insert name of the county or county borough] on [insert date of poll]</p>
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### **Form of Directions as to Printing the Ballot Paper**

1. Nothing may be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the directions set out in paragraphs 3 to 13 must be followed in the printing of the ballot paper.
3. No word may be printed on the front of the ballot paper except:
  - (a) the heading “Election of councillors to [insert the name of the county or county borough council] – [insert name of ward]”;
  - (b) the direction “You can make as many or as few choices as you want to.  
Put the number **1** in the voting box opposite your first choice.  
Put the number **2** in the voting box opposite your second choice.  
Put the number **3** in the voting box opposite your third choice. **And so on.**”;
  - (c) the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated;
  - (d) words forming part of any emblem to be included against the candidate’s particulars.
4. A box must be printed around the heading referred to in paragraph 3(a) and the direction referred to in paragraph 3(b), and the heading and direction must be separated within the box by a horizontal line extending across it.
5. No line may be printed on the front of the ballot paper except:
  - (a) as part of the box referred to in paragraph 4;
  - (b) the horizontal line referred to in that paragraph;
  - (c) a horizontal line above the particulars of the first candidate;
  - (d) horizontal lines separating the particulars of each candidate from the particulars of the other candidates;
  - (e) a horizontal line below the particulars of the last candidate; and
  - (f) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal lines referred to in paragraph 5(c), (d) and (e) must be equally spaced and the space between each of them must be a minimum of 2.5 centimetres.
7. The boxes referred to in paragraph 5(f) must not touch any horizontal line and each one must be equidistant between the horizontal line above it and the horizontal line below it.
8. Each of the horizontal lines referred to in paragraph 5(c) and (d) must extend from a point level with the text on the left-hand side of the page to a point directly above the centre of the box below that line.
9. The horizontal line referred to in paragraph 5(e) must:
  - (a) extend from a point level with the text on the left-hand side of the page to a point directly below the right-hand edge of the box above that line; and
  - (b) be thicker than the other horizontal lines.

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- 10. Where a registered emblem is to be printed against a candidate’s particulars:
  - (a) it must be printed adjacent to and to the right of the candidate’s particulars; and
  - (b) its size as printed must not exceed 2 centimetres square.
  
- 11. All the words on the front of the ballot paper must appear in the same large type except that:
  - (a) the heading referred to in paragraph 3(a) must appear in very large and bold type;
  - (b) in the direction referred to in paragraph 3(b), the numbers “1”, “2” and “3” and the words “And so on” must appear in very large and bold type;
  - (c) the remainder of that direction must appear in very large type; and
  - (d) the names of the candidates and the descriptions (if any) must appear in bold type.
  
- 12. The surnames of each candidate must appear in capitals and the candidate’s other names and any description must be in lower case with initial capitals.
  
- 13. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.

SCHEDULE 2

Rule 6(3)

**Appendix 4A Rule 28(1A)(b)**

**Form of Postal Voting Statement**

Elector’s name\*:

\*The returning officer must omit the name where the ballot paper is sent or delivered to an elector with an anonymous entry in the register or to the proxy of an elector with an anonymous entry in the register.

[Voter’s name (where this differs from the elector’s name because the elector is voting by proxy)\*:]

\*The line relating to the voter’s name may be omitted where the elector is not voting by proxy.

Ballot paper No:

Please read the instructions at the end before completing this form and the ballot paper.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT OR DELIVERED TO.

My date of birth (in the format dd/mm/yyyy):

\*My Signature:

(Keep signature within border)

\*The returning officer must omit the requirement for a signature where the person has been granted a waiver.

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**Warning: 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 proxy for another elector) at the same election.**

**Instructions on marking the ballot paper and completing the postal voting statement**

Number the candidates in the order of your choice in the voting boxes opposite the candidates.

You can make as many or as few choices as you want to.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. And so on.

Do not mark the ballot paper in any other way. If you do, your vote may be invalid.\*

\*Where the ballot paper has been sent to a person voting as proxy, this paragraph should be amended so that it reads:

1. Number the candidates in the order of the elector's choice in the voting boxes opposite the candidates.

The elector can make as many or as few choices as they want to.

Put the number 1 in the voting box next to the elector's first choice.

Put the number 2 in the voting box next to the elector's second choice.

Put the number 3 in the voting box next to the elector's third choice. And so on.

Do not mark the ballot paper in any other way. If you do, the vote may be invalid.

2. If you need help voting, the person helping you must not tell anyone for whom the vote was given.

3. Put the ballot paper in the small envelope marked **A** and seal it.

4. Complete the postal voting statement by signing it and providing your date of birth. If you do not, the postal voting statement will be invalid and the vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you sign the statement.\*

\*Where the requirement for a signature has been waived, the returning officer must change this instruction so that it reads:

4. Complete the postal voting statement by providing your date of birth. If you do not, the postal voting statement will be invalid and the vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you complete the postal voting statement.

5. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it as soon as possible.

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

\*Where the ballot paper has been sent to a person voting as proxy, this paragraph should be amended so that it reads:

**6. After receiving the postal vote, you cannot vote as proxy for the elector in person at a polling station at this election.**

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7. If you accidentally spoil the ballot paper, you can apply to the returning officer for a replacement before 5 pm on [insert date of the 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. [Returning officer to provide contact details for assistance]

8. The ballot paper and the postal voting statement must be—

- (a) sent by post to the returning officer in sufficient time for them to be received by the returning officer before 10 pm on [insert date of the poll];
- (b) given by hand to the returning officer before 10 pm on [insert date of the poll]; or
- (c) handed in on [insert date of the poll] at any polling station in the electoral ward before 10 pm.

SCHEDULE 3

Rule 6(4)

Appendix 5A Rule 31(7)(aa)(ii)

Poll Cards

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

Front of card

<b>Official Poll Card</b>	
Council: Electoral ward: Number of councillors to be elected for the electoral ward: Polling Day: Polling Hours: 7 am to 10 pm Your polling station will be:	Number on register: *Name: *Address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or 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>	
See further information on the back of this card.	

Back of card

Local Government Election *When you go to the polling station, tell the clerk your name and address, as shown on the front of this card. *The clerk will confirm your details on the register.  When you are given your ballot paper, go to one of the polling booths.  Number the candidates in the order of your choice in the voting boxes opposite the candidates. You can make as many or as few choices as you want to. Put the number 1 in the voting box next to your first choice. Put the number 2 in the voting box next to your second choice. Put the number 3 in the voting box next to your third choice. And so on.  Do not mark the ballot paper in any other way. If you do, your vote may be invalid.  If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.  When you have marked the ballot paper, fold it 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.  If you will be away on the date of the poll, there are other ways of voting. (1) You can apply to vote by post. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a postal vote, you will not be entitled to vote in person at this election. (2) You can apply to vote by proxy (this means someone can vote on your behalf). Your application must normally be received before 5pm on [insert the deadline date]. If you appoint a proxy, you can still vote in this election yourself if you do so before your proxy has voted for you.
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In certain circumstances it may be possible to apply to vote by proxy after [insert the deadline date].

If you want to vote by post or proxy, please contact [insert helpline number] as soon as possible.

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**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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### Official Postal Poll Card (to be sent or delivered to an elector voting by post)

Front of card

Official Postal Poll Card	
<p>Council: Electoral ward: Number of councillors to be elected for the electoral ward: For the election on: [insert date of the poll] Number on register: *Name and address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.</p>	<p>This card is to tell you that you have asked to vote by post for this election, and you will not be able to vote in person in a polling station. If you want to cancel your postal vote please call the helpline number [insert helpline number] before 5 pm on [insert deadline date].</p> <p><b>We will send or deliver your postal voting papers around [insert date], addressed to [insert name and address].</b></p> <p><b>If your postal voting papers have not arrived by [insert date], call [insert helpline number] and ask for help.</b></p>
<p>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 5pm on [insert date of the poll].</p> <p><b>This card is to provide you with information about voting by post.</b> See further information on the back of this card.</p>	

Back of card

<p>Local Government Election</p> <p>When you receive your postal voting pack, please read the instructions with it carefully when completing your 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. You can get independent help from the returning officer by calling the helpline on [insert helpline number].</p> <p>You must <b>sign</b> the postal voting statement and <b>provide your date of birth</b>. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. 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 and date of birth against other records that they hold.*</p> <p>*Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead. You must <b>provide your date of birth</b>. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.</p> <p>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 pm on [insert date of the poll].</p> <p>Complete and return your postal vote as soon as possible. The returning officer must receive your postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and ballot paper in one of three ways. You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll].</p>
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You can hand them to the returning officer before 10 pm on [insert date of the poll].  
On the day of the poll, you can deliver them to any polling station in the electoral ward before 10 pm.

If you want to vote in person at the elections, you must cancel your postal vote before 5 pm on [insert deadline].

If you need any assistance, please call the helpline on [insert helpline number].

**It is an offence to vote using a ballot paper that was not addressed to you.**

Issued by the returning officer



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### Official Proxy Poll Card (to be sent or delivered to a proxy voting in person)

Front of card

Official Proxy Poll Card	
Council: Electoral ward: Number of councillors to be elected for the electoral ward: Polling Day: Polling Hours: 7 am to 10 pm Your 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: *Note: This section is to be omitted where the poll card is sent or delivered to the proxy of an elector with an anonymous entry. A poll card sent or delivered to the proxy of an elector with an anonymous entry must be sent or delivered in a sealed envelope.

**\*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.**

See further information on the back of this card.

Back of card

Local Government Election

\*This poll card is to tell you that for this election you are appointed as proxy for:  
\*[Insert elector's name]  
\*[Insert elector's address]  
\*[Insert 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 elector shown above.  
\*The clerk will confirm the details on the register.

When you are given the ballot paper, go to one of the polling booths.

Number the candidates in the order of the elector's choice in the voting boxes opposite the candidates.  
The elector can make as many or as few choices as they want to.  
Put the number 1 in the voting box next to the elector's first choice.  
Put the number 2 in the voting box next to the elector's second choice.  
Put the number 3 in the voting box next to the elector's third choice. And so on.

Do not mark the ballot paper in any other way. If you do, your vote may be invalid.

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

When you have marked the ballot paper, fold it 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.

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.

If you will be away on the date of the poll, you can apply to vote by post as proxy. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a proxy postal vote, neither you (on the elector's behalf) nor the elector will be entitled to vote in person at this election.

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**It is illegal to do any of the following—**  
Vote more than once (unless you are appointed as proxy for another elector) at the same election.  
Vote as 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 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 [insert helpline number].

Issued by the returning officer

Alternative text where elector has an anonymous entry  
\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**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.

[Insert 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. The clerk will confirm the details on the register.

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**Official Proxy Postal Poll Card (to be sent or delivered to a proxy voting by post)**

Front of card

<b>Official Proxy Postal Poll Card</b>	
Council: Electoral ward: Number of councillors to be elected for the electoral ward: For the election on: [insert date of the poll]: Proxy's name and address:	*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 shown below before 5 pm on [insert date of deadline]. <b>We will send or deliver the proxy postal voting papers around [insert date].</b> <b>If the proxy postal voting papers have not arrived by [insert date], please call [insert 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 5 pm on [insert date of the poll].	
<b>This card is to provide you with information about voting by post as proxy.</b> See further information on the back of this card.	

Back of card

Local Government Election <b>*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:</b> *[Insert elector's name] *[Insert elector's address]
When you receive the postal voting pack, please read the instructions with it carefully when completing your postal ballot paper.
Do not let anyone see the vote. If you need help voting as proxy, the person helping you must not tell anyone how you have voted as proxy. You can get independent help from the returning officer by calling the helpline on [insert helpline number].
You must <b>sign</b> the postal voting statement and <b>provide your date of birth</b> . This is a security measure. It will not affect the vote or mean that the way in which you gave the vote as proxy is known. Without your signature and date of birth the statement will not be valid and the vote will not be counted. The returning officer can cross-check your signature and date of birth against other records that they hold.**
**Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead. You must <b>provide your date of birth</b> . This is a security measure. It will not affect the vote or mean that the way in which you gave the vote as proxy is known. Without your date of birth, the statement will not be valid and the vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.
If you lose or accidentally spoil the ballot paper, please call the helpline number as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].
Complete and return the postal vote as soon as possible. The returning officer must receive the

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postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and the ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll].

You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the electoral ward before 10 pm.

If you want to vote in person as proxy at the election, you must cancel your postal vote before 5 pm on [insert deadline].

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

Vote more than once (unless you are appointed as proxy for another elector) at the same election.

Vote as 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 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 [insert helpline number].

Issued by the returning officer

Alternative text where the elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry, substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**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:

(Insert elector's number on register)

SCHEDULE 4

Rule 6(5)

**Appendix 6A Rule 32(9A)(b)**

**Guidance for Voters**

1. When you are given your ballot paper, go to one of the polling booths.
2. Number the candidates in the order of your choice in the voting boxes opposite the candidates. You can make as many or as few choices as you want to.  
Put the number 1 in the voting box next to your first choice.  
Put the number 2 in the voting box next to your second choice.  
Put the number 3 in the voting box next to your third choice. And so on.
3. Put no other mark on the ballot paper or your vote(s) may not be counted.
4. Fold the ballot paper in two.
5. 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.
6. Put the ballot paper in the ballot box and leave the polling station.
7. If you spoil your ballot paper by mistake, show it to the presiding officer and ask for a replacement.

\*The returning officer must choose whichever direction is appropriate for the election.

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SCHEDULE 5

Rule 10(2)

Appendix 2A

Rule 22(3A)(a)

<b>Form of front of ballot paper</b>		
<b>Election of councillors to [insert the name of the county or county borough council] – [insert name of ward]</b>		
You can make as many or as few choices as you want to. Put the number <b>1</b> in the voting box opposite your first choice. Put the number <b>2</b> in the voting box opposite your second choice. Put the number <b>3</b> in the voting box opposite your third choice. <b>And so on.</b>		
<b>JAMES, Lisa</b> 6 Y Stryd, Y Dre CY36 4EZ <b>Promotion of Ethics in</b>	Emblem <input type="checkbox"/>	<input type="checkbox"/>
<b>Local Government Party</b>		
<b>KAY, Michael</b> 12, High Street, CP1 5LL <b>Electoral Law Party</b>	Emblem <input type="checkbox"/>	<input type="checkbox"/>
<b>Improvement</b>		
<b>THOMAS, Gareth</b> Iceland <b>Electoral Law Party</b>	Emblem <input type="checkbox"/>	<input type="checkbox"/>
<b>Improvement</b>		
<b>THOMAS RICHARDS,</b> The County of Hafod <b>Good Law Party</b>	Emblem <input type="checkbox"/>	<input type="checkbox"/>
<b>Angharad</b>		
<b>WILLIAMS, Sian</b> 92, The Avenue, CP12 3LO <b>Independent</b>		<input type="checkbox"/>
<b>WYATT, Cath</b> The County of Cornwall <b>Efficiency Party</b>	Emblem <input type="checkbox"/>	<input type="checkbox"/>
<b>XERRI, Matthew</b> 24 Pen-y-Lan, CP2 6NQ <b>Good Law Party</b>	Emblem <input type="checkbox"/>	<input type="checkbox"/>

<p><b>Form of back of ballot paper</b></p> <p>Number:</p> <p>Other unique identifying mark:</p> <p>Election for the [insert name] electoral ward of the [insert name of the county or county borough] on [insert date of poll].</p>
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#### **Form of Directions as to Printing the Ballot Paper**

1. Nothing may be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the directions set out in paragraphs 3 to 13 must be followed in the printing of the ballot paper.
3. No word may be printed on the front of the ballot paper except:
  - (a) the heading "Election of councillors to [insert the name of the county or county borough council] – [insert name of ward]";
  - (b) the direction "You can make as many or as few choices as you want to. Put the number **1** in the voting box opposite your first choice. Put the number **2** in the voting box opposite your second choice. Put the number **3** in the voting box opposite your third choice. **And so on.**";
  - (c) the names and descriptions (if any) of the candidates and their home address information, as shown in the statement of persons nominated;
  - (d) words forming part of any emblem to be included against the candidate's particulars.
4. A box must be printed around the heading referred to in paragraph 3(a) and the direction referred to in paragraph 3(b), and the heading and direction must be separated within the box by a horizontal line extending across it.
5. No line may be printed on the front of the ballot paper except:
  - (a) as part of the box referred to in paragraph 4;
  - (b) the horizontal line referred to in that paragraph;
  - (c) a horizontal line above the particulars of the first candidate;
  - (d) horizontal lines separating the particulars of each candidate from the particulars of the other candidates;
  - (e) a horizontal line below the particulars of the last candidate; and
  - (f) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal lines referred to in paragraph 5(c), (d) and (e) must be equally spaced and the space between each of them must be a minimum of 2.5 centimetres.
7. The boxes referred to in paragraph 5(f) must not touch any horizontal line and each one must be equidistant between the horizontal line above it and the horizontal line below it.
8. Each of the horizontal lines referred to in paragraph 5(c) and (d) must extend from a point level with the text on the left-hand side of the page to a point directly above the centre of the box below that line.
9. The horizontal line referred to in paragraph 5(e) must:
  - (a) extend from a point level with the text on the left-hand side of the page to a point directly below the right-hand edge of the box above that line; and
  - (b) be thicker than the other horizontal lines.
10. Where a registered emblem is to be printed against a candidate's particulars:
  - (a) it must be printed adjacent to and to the right of the candidate's particulars; and

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(b) its size as printed must not exceed 2 centimetres square.

11. All the words on the front of the ballot paper must appear in the same large type except that:

- (a) the heading referred to in paragraph 3(a) must appear in very large and bold type;
- (b) in the direction referred to in paragraph 3(b), the numbers “1”, “2” and “3” and the words “and so on” must appear in very large and bold type;
- (c) the remainder of that direction must appear in very large type; and
- (d) the names of the candidates and the descriptions (if any) must appear in bold type.

12. The surnames of each candidate must appear in capitals and the candidate’s other names and any description must be in lower case with initial capitals.

13. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.



SCHEDULE 6

Rule 10(3)

**Appendix 4A Rule 28(1A)(b)**

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

Elector's name\*:

\*The returning officer must omit the elector's name where the ballot papers are sent or delivered to an elector with an anonymous entry in the register or to the proxy of an elector with an anonymous entry in the register.

[Voter's name (where this differs from the elector's name because the elector is voting by proxy)\*:]

\*The line relating to the voter's name may be omitted where the elector is not voting by proxy.

Ballot paper Nos:

Please read the instructions at the end before completing this form and the ballot papers.

I AM THE PERSON THE BALLOT PAPERS NUMBERED ABOVE WERE SENT OR DELIVERED TO.

My date of birth (in the format dd/mm/yyyy):

\*My Signature:

(Keep signature within border)

\*The returning officer must omit the requirement for a signature where the person has been granted a waiver.

**Warning: 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 proxy for another elector) at the same election.**

**Instructions on marking the ballot papers and completing the postal voting statement**

1. You have been supplied with [returning officer to insert the number] ballot papers. [The returning officer must then identify which colour of ballot paper is in use at the election of councillors to a county or county borough council and which colour of ballot paper is in use at each relevant election.]

2. [The returning officer must then set out the instructions for marking the ballot paper in use at the election of councillors to a county or county borough council and the instructions for marking the ballot paper in use at each relevant election. Unless the ballot papers have been sent to a person voting as proxy, a suitable form of words for the instructions for marking the ballot paper in use at the election of councillors to a county or county borough council would be the following:

“Number the candidates in the order of your choice in the voting boxes opposite the candidates. You can make as many or as few choices as you want to.  
Put the number 1 in the voting box next to your first choice.

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Put the number 2 in the voting box next to your second choice.  
Put the number 3 in the voting box next to your third choice. And so on.

Do not mark the ballot paper in any other way. If you do, your vote may be invalid.”\*

\*Where the ballot paper has been sent to a person voting as proxy, a suitable form of words for the instructions for marking the ballot paper in use at the election of councillors to a county or county borough council would be the following:

“Number the candidates in the order of the elector’s choice in the voting boxes opposite the candidates.

The elector can make as many or as few choices as they want to.

Put the number 1 in the voting box next to the elector’s first choice.

Put the number 2 in the voting box next to the elector’s second choice.

Put the number 3 in the voting box next to the elector’s third choice. And so on.

Do not mark the ballot paper in any other way. If you do, the vote may be invalid.”

3. If you need help voting, the person helping you must not tell anyone for whom the vote was given.

4. Put the ballot papers in the small envelope marked **A** and seal it.

5. Complete the postal voting statement by signing it and providing your date of birth. If you do not, the postal voting statement will be invalid and the votes will not be counted. Note that it is your **date of birth** that is required, not the date on which you sign the statement.\*

\*Where the requirement for a signature has been waived, the returning officer must change this instruction so that it reads:

5. Complete the postal voting statement by providing your date of birth. If you do not, the postal voting statement will be invalid and the vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you complete the postal voting statement.

6. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it as soon as possible.

**7. After receiving the postal vote, you cannot vote in person at a polling station at the elections\*.**

\*Where the ballot papers have been sent to a person voting as proxy, this paragraph should be amended so that it reads:

**7. After receiving the postal vote, you cannot vote as proxy for the elector in person at a polling station at the elections.**

8. If you accidentally spoil any of the ballot papers, you can apply to the returning officer for a replacement before 5 pm on [insert date of the 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. [Returning officer to provide contact details for assistance.]

9. The ballot papers and the postal voting statement must be—

- (a) sent by post to the returning officer in sufficient time for them to be received by the returning officer before 10 pm on [insert date of the poll];
- (b) given by hand to the returning officer before 10 pm on [insert date of the poll]; or
- (c) handed in on [insert date of the poll] at any polling station in the appropriate area before 10 pm.

The appropriate area referred to in paragraph (c) is [returning officer to insert a description of the appropriate area].

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**Form of Postal Voting Statement (for use where polls are combined but the issue and receipt of postal ballot papers is not combined)**

Elector's name\*:

\*The returning officer must omit the elector's name where the ballot papers are sent or delivered to an elector with an anonymous entry in the register or to the proxy of an elector with an anonymous entry in the register.

[Voter's name (where this differs from the elector's name because the elector is voting by proxy)\*:]

\*The line relating to the voter's name may be omitted where the elector is not voting by proxy.

Ballot paper No:  
Colour:

Please read the instructions at the end before completing this form and the ballot paper.

I AM THE PERSON THE BALLOT PAPER NUMBERED ABOVE WAS SENT OR DELIVERED TO.

My date of birth (in the format dd/mm/yyyy):

My Signature\*:

(Keep signature within border)

\*The returning officer must omit the requirement for a signature where the person has been granted a waiver.

**Warning: 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 proxy for another elector) at the same election.**

**Instructions on marking the ballot paper and completing the postal voting statement**

1. The poll at the election of councillors to the [insert name of the county or county borough council] has been combined with the poll at [returning officer to insert appropriate details of each relevant election]. You have chosen to vote by post. You have been issued with [returning officer to insert number] ballot papers. [The returning officer must then identify which colour of ballot paper is in use at the election of councillors to a county or county borough council and which colour of ballot paper is in use at each relevant election.]

Each ballot paper has its own ballot paper envelope (marked **A**), postal voting statement and return envelope (marked **B**). The postal voting statement and return envelope for use with a particular ballot paper are the same colour as the ballot paper. You may find it helpful to sort the documents into separate sets.

These instructions relate to the ballot paper coloured [insert colour] for use at the election of councillors to the [insert name of county or county borough council] and the postal voting statement of the same colour relating to that ballot paper.

2. Number the candidates in the order of your choice in the voting boxes opposite the candidates. You can make as many or as few choices as you want to.  
Put the number 1 in the voting box next to your first choice.  
Put the number 2 in the voting box next to your second choice.

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Put the number 3 in the voting box next to your third choice. And so on.

Do not mark the ballot paper in any other way. If you do, your vote may be invalid.

\*Where the ballot paper has been sent to a person voting as proxy, paragraph 2 should be amended so that it reads:

2. Number the candidates in the order of the elector's choice in the voting boxes opposite the candidates.

The elector can make as many or as few choices as they want to.

Put the number 1 in the voting box next to the elector's first choice.

Put the number 2 in the voting box next to the elector's second choice.

Put the number 3 in the voting box next to the elector's third choice. And so on.

Do not mark the ballot paper in any other way. If you do, the vote may be invalid.

3. If you need help voting, the person helping you must not tell anyone for whom the vote was given.

4. Put the ballot paper in the small envelope marked **A** and seal it.

5. Complete the postal voting statement by signing it and providing your date of birth. If you do not, the postal voting statement will be invalid and the vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you sign the statement.\*

\*Where the requirement for a signature has been waived, the returning officer must change this instruction so that it reads:

5. Complete the postal voting statement by providing your date of birth. If you do not, the postal voting statement will be invalid and the vote(s) will not be counted. Note that it is your **date of birth** that is required, not the date on which you complete the postal voting statement.

6. Then put the envelope marked **A** together with the postal voting statement in the larger envelope marked **B**. Return it as soon as possible.

**7. After receiving the postal vote, you cannot vote in person at a polling station at the elections.\***

\*Where the ballot paper has been sent to a person voting as proxy, this paragraph should be amended so that it reads:

**7. After receiving the postal vote, you cannot vote as proxy for the elector in person at a polling station at the elections.**

8. If you accidentally spoil the ballot paper, you can apply to the returning officer for a replacement before 5 pm on [insert date of the 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. [Returning officer to provide contact details for assistance.]

9. The ballot paper and the postal voting statement must be—

(a) sent by post to the returning officer in sufficient time for them to be received by the returning officer before 10 pm on [insert date of the poll];

(b) given by hand to the returning officer before 10 pm on [insert date of the poll]; or

(c) handed in on [insert date of the poll] at any polling station in the appropriate area before 10 pm.

The appropriate area referred to in paragraph (c) is [returning officer to insert a description of the appropriate area.]

SCHEDULE 7

Rule 10(4)

**Appendix 5A Rule 31(8)(aa)(ii)**

**Poll Cards**

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

Front of card

<b>Official Poll Card</b>	
Council: Electoral ward: Number of councillors to be elected for the electoral ward: Polling Day: Polling Hours: 7 am to 10 pm Your polling station will be:	Number on register: *Name: *Address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or 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>	
See further information on the back of this card.	

Back of card

Local Government Election

\*When you go to the polling station, tell the clerk your name and address, as shown on the front of this card.

\*The clerk will confirm your details on the register.

When you are given your ballot paper, go to one of the polling booths.

Number the candidates in the order of your choice in the voting boxes opposite the candidates. You can make as many or as few choices as you want to.

Put the number 1 in the voting box next to your first choice.

Put the number 2 in the voting box next to your second choice.

Put the number 3 in the voting box next to your third choice. And so on.

Do not mark the ballot paper in any other way. If you do, your vote may be invalid.

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

When you have marked the ballot paper, fold it 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.

If you will be away on the date of the poll, there are other ways of voting.

(1) You can apply to vote by post. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a postal vote, you will not be entitled to vote in person at this election.

(2) You can apply to vote by proxy (this means someone can vote on your behalf). Your application must normally be received before 5pm on [insert the deadline date]. 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 [insert the deadline date].

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If you want to vote by post or proxy, please contact [insert helpline number] as soon as possible.

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**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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### Official Postal Poll Card (to be sent or delivered to an elector voting by post)

Front of card

Official Postal Poll Card	
<p>Council: Electoral ward: Number of councillors to be elected for the electoral ward: For the election on: [insert date of the poll] Number on register: *Name and address: *Note: The name and address must be omitted where the poll card is sent or delivered to an elector with an anonymous entry. A poll card sent or delivered to an elector with an anonymous entry must be sent or delivered in a sealed envelope.</p>	<p>This card is to tell you that you have asked to vote by post for this election, and you will not be able to vote in person in a polling station. If you want to cancel your postal vote please call the helpline number [insert helpline number] before 5 pm on [insert deadline date].</p> <p><b>We will send or deliver your postal voting papers around [insert date], addressed to [insert name and address].</b></p> <p><b>If your postal voting papers have not arrived by [insert date], call [insert helpline number] and ask for help.</b></p>
<p>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 5pm on [insert date of the poll].</p> <p><b>This card is to provide you with information about voting by post.</b> See further information on the back of this card.</p>	

Back of card

<p>Local Government Election</p> <p>When you receive your postal voting pack, please read the instructions with it carefully when completing your 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. You can get independent help from the returning officer by calling the helpline on [insert helpline number].</p> <p>You must <b>sign</b> the postal voting statement and <b>provide your date of birth</b>. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. 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 and date of birth against other records that they hold.*</p> <p>*Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead.</p> <p>You must <b>provide your date of birth</b>. This is a security measure. It will not affect your vote or mean that the way in which you gave your vote is known. Without your date of birth, the statement will not be valid and your vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.</p> <p>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 pm on [insert date of the poll].</p> <p>Complete and return your postal vote as soon as possible. The returning officer must receive your postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and ballot paper in one of three ways.</p> <p>You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll].</p>
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You can hand them to the returning officer before 10 pm on [insert date of the poll].  
On the day of the poll, you can deliver them to any polling station in the electoral ward before 10 pm.

If you want to vote in person at the elections, you must cancel your postal vote before 5 pm on [insert deadline].

If you need any assistance, please call the helpline on [insert helpline number].

**It is an offence to vote using a ballot paper that was not addressed to you.**

Issued by the returning officer



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**Official Proxy Poll Card (to be sent or delivered to a proxy voting in person)**

Front of card

<b>Official Proxy Poll Card</b>	
Council: Electoral ward: Number of councillors to be elected for the electoral ward: Polling Day: Polling Hours: 7 am to 10 pm Your 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: *Note: This section is to be omitted where the poll card is sent or delivered to the proxy of an elector with an anonymous entry. A poll card sent or delivered to the proxy of an elector with an anonymous entry must be sent or 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>	
See further information on the back of this card.	

Back of card

Local Government Election *This poll card is to tell you that for this election you are appointed as proxy for: *[Insert elector's name] *[Insert elector's address] *[Insert 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 elector shown above. *The clerk will confirm the details on the register.  When you are given the ballot paper, go to one of the polling booths.  Number the candidates in the order of the elector's choice in the voting boxes opposite the candidates. The elector can make as many or as few choices as they want to. Put the number 1 in the voting box next to the elector's first choice. Put the number 2 in the voting box next to the elector's second choice. Put the number 3 in the voting box next to the elector's third choice. And so on. Do not mark the ballot paper in any other way. If you do, your vote may be invalid.  If you spoil the ballot paper by mistake, show it to the presiding officer and ask for a replacement.  When you have marked the ballot paper, fold it 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.  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.  If you will be away on the date of the poll, you can apply to vote by post as proxy. Your application must be received by the returning officer before 5 pm on [insert the deadline date]. If you are given a proxy postal vote, neither you (on the elector's behalf) nor the elector will be entitled to vote in person at this election.  <b>It is illegal to do any of the following—</b>
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Vote more than once (unless you are appointed as proxy for another elector) at the same election.  
Vote as 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 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 [insert helpline number].

Issued by the returning officer

Alternative text where elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**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.

[Insert 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. The clerk will confirm the details on the register.

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**Official Proxy Postal Poll Card (to be sent or delivered to a proxy voting by post)**

Front of card

<b>Official Proxy Postal Poll Card</b>	
Council: Electoral ward: Number of councillors to be elected for the electoral ward: For the election on: [insert date of the poll]: Proxy's name and address:	*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 shown below before 5pm on [insert date of deadline]. <b>We will send or deliver the proxy postal voting papers around [insert date ].</b> <b>If the proxy postal voting papers have not arrived by [insert date], please call [insert 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 5 pm on [insert date of the poll].	
<b>This card is to provide you with information about voting by post as proxy.</b> See further information on the back of this card.	

Back of card

Local Government Election <b>*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:</b> *[Insert elector's name] *[Insert elector's address]
When you receive the postal voting pack, please read the instructions with it carefully when completing your postal ballot paper.
Do not let anyone see the vote. If you need help voting as proxy, the person helping you must not tell anyone how you have voted as proxy. You can get independent help from the returning officer by calling the helpline on [insert helpline number].
You must <b>sign</b> the postal voting statement and <b>provide your date of birth</b> . This is a security measure. It will not affect the vote or mean that the way in which you gave the vote as proxy is known. Without your signature and date of birth the statement will not be valid and the vote will not be counted. The returning officer can cross-check your signature and date of birth against other records that they hold.**
**Where the requirement for a signature has been waived, the returning officer must include the following paragraph instead. You must <b>provide your date of birth</b> . This is a security measure. It will not affect the vote or mean that the way in which you gave the vote as proxy is known. Without your date of birth, the statement will not be valid and the vote will not be counted. The returning officer can cross-check your date of birth against other records that they hold.
If you lose or accidentally spoil the ballot paper, please call the helpline number as soon as possible. We can only issue replacement postal ballot papers before 5 pm on [insert date of the poll].
Complete and return the postal vote as soon as possible. The returning officer must receive the

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postal vote before 10 pm on [insert date of the poll]. You can deliver your completed postal voting statement and the ballot paper in one of three ways.

You can send them by post to the returning officer so that they are received before 10 pm on [insert date of the poll].

You can hand them to the returning officer before 10 pm on [insert date of the poll].

On the day of the poll, you can deliver them to any polling station in the electoral ward before 10 pm.

If you want to vote in person as proxy at the election, you must cancel your postal vote before 5 pm on [insert deadline].

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

Vote more than once (unless you are appointed as proxy for another elector) at the same election.

Vote as 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 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 [insert helpline number].

Issued by the returning officer

Alternative text where the elector has an anonymous entry

\*Where the poll card is sent or delivered to the proxy of an elector with an anonymous entry, substitute for the paragraphs on the front and back of this card marked with an asterisk the following paragraphs:

**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:

[Insert elector's number on register]

SCHEDULE 8

Rule 10(5)

**Appendix 6A Rule 32(11A)(b)**

**Guidance for Voters at Combined Polls**

1. When you are given your ballot papers, go to one of the polling booths.
  2. You have been supplied with [returning officer to insert the number] ballot papers. [The returning officer must then identify which colour of ballot paper is in use at the election of councillors to a county or county borough council and which colour of ballot paper is in use at each relevant election.]
  3. [The returning officer must then set out the instructions for marking the ballot paper in use at the election of councillors to a county or county borough council and the instructions for marking the ballot paper at each relevant election. A suitable form of words for the instructions for marking the ballot paper in use at the election of councillors to a county or county borough council would be the following:  
  
“Number the candidates in the order of your choice in the voting boxes opposite the candidates. You can make as many or as few choices as you want to.  
Put the number 1 in the voting box next to your first choice.  
Put the number 2 in the voting box next to your second choice.  
Put the number 3 in the voting box next to your third choice. And so on.  
  
Put no other mark on the ballot paper or your vote(s) may not be counted.”
  4. Fold each of the ballot papers in two.
  5. Show the presiding officer the number and other unique identifying mark on the back of the ballot papers but do not let anyone see your votes.
  6. Put each ballot paper in the appropriate ballot box OR Put the ballot papers in the ballot box.\* Then, leave the polling station.
  7. If you spoil any of your ballot papers by mistake, show it to the presiding officer and ask for a replacement.
- \*The returning officer must choose whichever direction is appropriate for the election. In relation to point 6, the first alternative is appropriate where separate ballot boxes are used for each election. The second alternative is appropriate where the same ballot box is being used for each.

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

On 6 May 2022, the provisions of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) relating to the single transferable vote system at the election of councillors to a principal council in Wales came into force. These provisions allow principal councils to decide to conduct elections using the single transferable vote system instead of the simple majority system (see, in particular, sections 7 to 9 of that Act).

Section 13 of the 2021 Act inserted section 36A of the Representation of the People Act 1983, which enables the Welsh Ministers to make rules for the conduct of local government elections in Wales. That power has been exercised to make the Local Elections (Principal Areas) (Wales) Rules 2021 (S.I. 2021/1459 (W. 374)) (“the 2021 Rules”). Those Rules set out how elections to principal councils must be conducted where the simple majority system is in use. They do not make provision for the conduct of elections where the single transferable vote system is in use.

These Rules (the Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023) therefore amend the 2021 Rules so that they provide for the conduct of elections where the single transferable vote system is in use. The 2021 Rules will continue to make provision about the simple majority system for the conduct of elections in principle areas which have not decided to use the single transferable vote system.

Rule 2 amends rule 3 of the 2021 Rules so that the terms “simple majority system” and “single transferable vote system” are added to the list in paragraph (3) of that rule. The effect of the amendment is that those terms have the meaning set out in section 6 of the 2021 Act.

Rule 3 amends Part 3 of Schedule 1 to the 2021 Rules, dealing with the conduct of the poll, to include provision for the single transferable vote system. Currently, Part 3 refers to a number of prescribed forms, including the form of ballot paper, which are not suitable for elections using the single transferable vote system because they contain instructions to voters to mark a cross [X] against the name of the candidate they are voting for. The amendments provide for alternative forms to be used at elections using the single transferable vote system. They also make alternative provision for the content of notices inside each voting compartment (so that, instead of being instructed to mark a cross, voters are given information about how to mark their first, second and third preferences etc.).

Rule 4 inserts a new Part 4A in the 2021 Rules, dealing with the counting of votes at elections using the single transferable vote system. The existing Part 4 will continue to apply at elections using the simple majority system and is renamed to reflect its scope.

Chapter 1 of the new Part 4A contains introductory provisions. The provision made for attendance at the counting of votes (rule 60B), for the initial counting of ballot papers and verification etc. (rule 60C) and for the returning officers’ general duties in counting the votes (rule 60D) is similar to that made by the existing Part 4 for elections using the simple majority system. The provision made for the rejection of ballot papers is materially different (rule 60E). In particular, the grounds for rejection differ in certain respects to take account of the position at elections using the single transferable vote system where voters must indicate a first preference and may indicate second and subsequent preferences.

Chapter 2 of the new Part 4A sets out the rules used to determine the result at elections using the single transferable vote system. These rules are based on a system that is sometimes described in literature about electoral systems as “the classic Gregory method” or “the simple Gregory method”. The key aspects of the rules are the following.

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- The first preference votes on valid ballot papers are counted (rule 60G).
- The “quota” is calculated. This is the number of votes needed to secure the return of a candidate as a councillor. Rule 60H sets out how the quota is calculated and is demonstrated using the following formula:

$$\left( \frac{\text{total number of valid votes}}{\text{number of seats to be filled at election} + 1} \right) + 1$$

- Rule 60I sets out that a candidate is treated as elected if, at any stage of the count, the number of votes for the candidate equals or exceeds the quota.
- There is provision for votes to be transferred where the number of votes for a candidate exceeds the quota (that is, where the candidate is therefore treated as elected and has a surplus).
  - Where first preference votes for a candidate exceed the quota, rule 60J sets out what happens. In essence, the successful candidate’s ballot papers are examined to see whether the voter has expressed a “next available preference”. This is defined in rule 60F and is broadly a next preference (in consecutive order) for a candidate who is still in the race (that is, who has been neither treated as elected nor excluded). Ballot papers expressing a next available preference are referred to in the rules as “transferable papers” and each is transferred to the candidate for whom the preference is given. The vote on each transferred ballot paper has a value which is calculated in accordance with rule 60J(5) (by taking the candidate’s surplus and dividing it by the total number of ballot papers being transferred).
  - In other cases where a candidate has a surplus (for example, where a candidate has a surplus following the transfer of first preference votes under rule 60J), rule 60K sets out what happens. In this case, the returning officer examines only the ballot papers that were last transferred to the successful candidate (in the example, those transferred under rule 60J). These ballot papers are examined to see whether the voter has expressed a next available preference. Each ballot paper expressing a next available preference is transferred to the candidate for whom the preference is given. The vote on each transferred ballot paper has a value which is calculated in accordance with rule 60K(5). This again involves dividing the candidate’s surplus by the total number of ballot papers being transferred but there is an additional step which is intended to ensure that the value is not greater than the value of the vote on the ballot paper when it was received by the candidate from whom it is now being transferred (see step 3 in rule 60K(5)).
  - Rules 60L, 60M and 60N deal with ancillary matters relating to transfers. In particular, rule 60L deals with cases in which transfers need not take place, rule 60M deals with the order of transfers where two or more candidates have the same surplus and rule 64N deals with the records that the returning officer is required to make.
- If vacancies remain to be filled after all transfers of surpluses have taken place, the rules provide for the candidate with the lowest number of votes to be excluded (rule 60O). The excluded candidate’s votes are then redistributed. This takes place in stages.
  - The first stage involves the transfer of the excluded candidate’s first preference votes under rule 60O. The returning officer examines the ballot papers on which those votes were given to see whether the voter has expressed a next available preference. Each ballot paper expressing a next available preference is transferred to the candidate for whom the preference is given, at a transfer value of 1.
  - If vacancies remain following this, the returning officer then sorts the excluded candidate’s other ballot papers into groups according to the transfer value at which the votes were received by the excluded candidate (rule 60P). Beginning with the group of the highest value, the returning officer examines the ballot papers to see whether the voter has expressed a next available preference. Each ballot paper expressing a next available

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preference is transferred to the candidate for whom the preference is given, at the value that the vote on the paper had when it was received by the excluded candidate.

- Rule 60R deals with ancillary matters relating to exclusions, such as the records that the returning officer is required to make.
- Rule 60S sets out special rules that apply to the filling of last vacancies. These rules are intended to ensure that the returning officer is not required to continue counting when it would be pointless to do so. For example, the rule provides that where the number of candidates still in the race is equal to the number of vacancies remaining unfilled, those candidates are treated as elected.
- Rules 60T to 60W deal with supplementary matters. Rule 60T enables a candidate or election agent to request, at the end of each stage of the count, a re-count of that stage. The returning officer must comply with the request unless it is unreasonable. Rule 60U sets out rules about the order in which candidates are treated as elected (with the general rule being that this is the order in which their respective surpluses were transferred). Rule 60V provides for the returning officer's decisions to be final (subject to review on an election petition). Rule 60W deals with the declaration of the result and related matters.

Rule 6 inserts Schedules 1 to 4 which insert new Appendices 2A, 4A, 5A and 6A in the Appendices to Schedule 1 to the 2021 Rules. New forms relating to ballot papers, postal voting statements, poll cards and guidance for voters are inserted. These contain appropriate instructions for elections using the single transferable vote system.

Rules 7 to 10 make amendments to Schedule 2 to the 2021 Rules (dealing with the position where the poll at a principal council election is combined with the poll at a relevant election). As the provision made by these Rules is comparable to that made by rules 3 to 6 in respect of Schedule 1, no additional explanation is included.

Rule 11 makes a technical amendment to rule 54(3) of the 2021 Rules.

### **Regulatory Impact Assessment**

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Rules. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefit of complying with these Rules. A copy can be obtained from the Elections Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh Government website at [www.gov.wales](http://www.gov.wales).