

SCHEDULES

SCHEDULE 3

Rules for the conduct of PCC elections where poll not taken together with poll at another election

PART 3

Contested PCC elections

GENERAL PROVISIONS

Poll to be taken by ballot

18. The votes at the poll must be given by ballot.

The ballot papers

19.—(1) The ballot of every voter must consist of a ballot paper which—

- (a) in the case of an election with three or more candidates, must be in Form 8A set out in Part 8 of this Schedule;
- (b) in the case of an election with two candidates only, must be in Form 8B set out in Part 8 of this Schedule,

and which is printed according to the directions specified in that Part.

(2) The persons remaining validly nominated for the police area after any withdrawals (and no other persons) are entitled to have their names shown on the ballot paper.

(3) Each ballot paper must—

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

(4) If a request is made by or on behalf of a candidate whose description is authorised under rule 6(1) or (3) by a registered party, the ballot paper must contain the party's registered emblem (or one of its registered emblems) adjacent to the candidate's particulars.

(5) A request under paragraph (4) must—

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

(6) The order of the names in the ballot paper must be the same as in the statement of persons nominated (see rule 13).

Corresponding number list

20.—(1) The local returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers which are to be issued by the officer in pursuance of rule 25 or provided by the officer in pursuance of rule 29(1).

(2) The corresponding number list to be prepared for the purpose of rule 25(1) (postal ballot papers) and of paragraph 36(1) of Schedule 2 (procedure on issue of postal ballot paper) must be in Form 9 set out in Part 8 of this Schedule or a form to like effect.

(3) The corresponding number list to be prepared for the purpose of rule 29(3)(d) (equipment of polling stations) and of rule 39(2)(b) (voting procedure) must be in Form 10 set out in Part 8 of this Schedule or a form to like effect.

The official mark

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

(2) The official mark must be kept secret.

(3) An interval of not less than five years must intervene between the use of the same official mark at PCC elections for the same police area.

(4) A police area returning officer or local returning officer may use a different official mark for different purposes at the same PCC election.

Prohibition of disclosure of vote

22. In any legal proceeding to question a PCC election, no person who has voted at the election may be required to state for whom he or she has voted.

Use of schools and public rooms

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

(a) a room in a school maintained or assisted by—

(i) in relation to England, a county council in England, a metropolitan district council, a non-metropolitan district council for an area for which there is no county council or the Council of the Isles of Scilly, or

(ii) in relation to Wales, a county council or a county borough council in Wales;

(b) a room in a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;

(c) a room the expense of maintaining which is met by—

(i) in relation to England, a county council in England, a district council, a parish council or the Council of the Isles of Scilly, or

(ii) in relation to Wales, a county council or a county borough council in Wales or a community council.

(2) The local returning officer must make good—

(a) any damage done to any such room, and

(b) defray any expense incurred by the persons having control over any such room,

by reason of its being used for that purpose.

ACTION TO BE TAKEN BEFORE THE POLL

Notice of poll

24.—(1) The police area returning officer must give public notice of the poll stating—

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

(2) The order of the names in the notice of the poll must be the same as in the statement of persons nominated⁽¹⁾.

(3) No later than the time of publication of the notice of the poll, the local returning officer must give public notice of—

- (a) the situation of each polling station in the voting area for which the officer acts, and
- (b) the description of voters entitled to vote there.

(4) As soon as practicable after giving the notice required by paragraph (3), the local returning officer must send a copy of it to each of the election agents.

Postal ballot papers

25.—(1) The local returning officer must, in accordance with Part 3 of Schedule 2, issue to those entitled to vote by post—

- (a) a ballot paper, and
- (b) a postal voting statement in the appropriate form prescribed by paragraph 30 of Schedule 2, together with envelopes for their return that comply with the requirements of paragraph 38 of Schedule 2.

(2) The local returning officer must also issue to those entitled to vote by post whatever information the officer thinks appropriate about how to obtain—

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

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

Provision of polling stations

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

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

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

(1) See rule 13.

(4) The local returning officer must provide each polling station with however many compartments are necessary in which the voters can mark their votes screened from observation.

Appointment of presiding officers and polling clerks

27.—(1) The local returning officer must appoint and pay—

- (a) a presiding officer to attend at each polling station, and
- (b) however many clerks are necessary for the purposes of the election.

(2) The local returning officer must not appoint any person who has been employed by or on behalf of a candidate in the PCC election.

(3) The local returning officer may, if the officer thinks fit, preside at a polling station.

(4) In a case within paragraph (3), the provisions of these rules relating to the presiding officer apply to the local returning officer so presiding, with the necessary modifications as to things to be done by the local returning officer to the presiding officer or by the presiding officer to the local returning officer.

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

Issue of official poll cards

28.—(1) The local returning officer must as soon as practicable after the publication of the notice of the PCC election send to electors and their proxies an official poll card as follows—

- (a) an official poll card sent to an elector must be in Form 11 set out in Part 8 of this Schedule or a form to like effect;
- (b) an official postal poll card sent to an elector must be in Form 12 set out in Part 8 of this Schedule or a form to like effect;
- (c) an official poll card sent to the proxy of an elector must be in Form 13 set out in Part 8 of this Schedule or a form to like effect;
- (d) an official postal poll card sent to the proxy of an elector must be in Form 14 set out in Part 8 of this Schedule or a form to like effect.

(2) An official poll card may be adapted in order to comply with any requirements as to delivery and may also contain such additional information as the local returning officer thinks appropriate.

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

(4) Rule 7(5) applies for the interpretation of this rule.

Equipment of polling stations

29.—(1) The local returning officer must provide each presiding officer with however many ballot boxes and ballot papers the local returning officer thinks are necessary.

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

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

- (a) materials to enable voters to mark the ballot papers;

- (b) copies of the register of electors used for the PCC election which contains the entries relating to the electors allotted to the station (or, in the case of a register only part of which contains those entries, that part);
 - (c) the parts of any special lists prepared for the PCC election corresponding to each register or part of a register provided under sub-paragraph (b);
 - (d) a list prepared under rule 20 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.
- (4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act⁽²⁾ in respect of alterations to the register.
- (5) The local returning officer must also provide each polling station with—
- (a) at least one large version of the ballot paper for the assistance of voters who are partially sighted which complies with article 85(6) and which must be displayed inside the polling station;
 - (b) an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted which must be clearly marked as a specimen provided only for the guidance of voters;
 - (c) a device for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 41).
- (6) The device mentioned in paragraph (5)(c) must—
- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from the device, easily and without damage to the paper,
 - (b) hold the ballot paper firmly in place during use, and
 - (c) provide suitable means for the voter—
 - (i) to identify the spaces on the ballot paper on which the voter may mark his or her vote,
 - (ii) to identify the candidate to which each such space refers, and
 - (iii) to mark his or her vote on the space the voter has chosen.
- (7) The local returning officer must also provide each polling station with the notices for the guidance of voters that are provided to the local returning officer under rule 30(1) and—
- (a) the notices referred to in rule 30(1)(a) must be exhibited in every voting compartment, and
 - (b) the notices referred to in rule 30(1)(b) must be exhibited outside the polling station and in the communal areas inside it.
- (8) Where information about the supplementary vote system is provided to the local returning officer under rule 30(3), the local returning officer must also provide each polling station with that information.
- (9) Any information provided to a polling station under paragraph (8) must be exhibited there.
- (10) Where proof has been given to the police area returning officer's satisfaction of the death of a candidate, the police area returning officer must request each local returning officer for a voting area wholly or partly comprised in the police area to provide each presiding officer with a sufficient number of notices to this effect for display in every compartment of every polling station.

(2) Section 13B of the Representation of the People Act 1983 was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22) and section 74 of, and paragraph 3 of Schedule 10 to, the Police Reform and Social Responsibility Act 2011 (c.13). Subsections (3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006.

Notices for the guidance of voters

30.—(1) The police area returning officer must prepare and provide each local returning officer with—

- (a) notices for the guidance of voters in Form 15 set out in Part 8 of this Schedule which are for exhibition in voting compartments at polling stations, and
- (b) notices for the guidance of voters in Form 16 set out in Part 8 of this Schedule which are for exhibition outside and in the communal areas inside polling stations.

(2) The police area returning officer may also provide versions of a notice in such other form described in article 85(2) or (3) as the police area returning officer thinks appropriate and, if the local returning officer agrees, these may also be exhibited inside and outside the polling station.

(3) Where the Commission publishes information about the supplementary vote system to be used at PCC elections, the police area returning officer may provide each local returning officer with a copy of that information for exhibition at a polling station.

Appointment of polling and counting agents

31.—(1) Before the commencement of the poll, each candidate may appoint—

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

(2) For each count, one (but no more than one) counting agent may be designated as a person authorised to require a re-count under rule 54.

(3) A designation under paragraph (2) must be made at the same time as the person's appointment as a counting agent.

(4) Not more than—

- (a) four polling agents, or
- (b) such greater number as the local returning officer may by notice allow,

are permitted to attend at any particular polling station.

(5) If the number of polling agents appointed to attend at a particular polling station exceeds the permitted number—

- (a) the local returning officer must determine by lot which agents are permitted to attend, and
- (b) only the agents so determined are to be deemed as duly appointed.

(6) The local returning officer may limit the number of counting agents so long as—

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

(7) A candidate who appoints a polling agent or a counting agent must give the local returning officer notice of the appointment no later than the 5th day before the day of the poll.

(8) If a polling or counting agent dies, or becomes incapable of acting, the candidate may appoint another agent and must forthwith give the local returning officer notice of the appointment.

(9) A notice under paragraph (7) or (8) must—

- (a) be in writing, and
- (b) give the name and address of the agent appointed.

(10) Any appointment authorised by this rule may be made and the notice of appointment given by the candidate's election agent, instead of by the candidate.

(11) In the following provisions of these rules references to polling agents and counting agents are to be read as references to agents—

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

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

(13) A candidate may do anything, or assist a polling agent or counting agent in doing anything, which such an agent is authorised to do on appointment by the candidate.

(14) A candidate's election agent may do or assist in doing anything which a polling or counting agent appointed by the candidate is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of the polling agent or counting agent.

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

Notification of requirement of secrecy

32. The local returning officer must make whatever arrangements the officer thinks are appropriate to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of article 22(1), (4) and (7), and
- (b) every person attending at the verification of ballot paper accounts or the counting of the votes (other than any constable on duty there) has been given a copy in writing of the provisions of article 22(2), (3) and (7).

Return of postal ballot papers

33.—(1) Where—

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

the local returning officer must mark the list in the manner specified in paragraph 48 of Schedule 2.

(2) Rule 49(2) does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

THE POLL

Admission to polling stations

34.—(1) The presiding officer must exclude from the polling station everyone except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,
- (c) the police area returning officer and the local returning officer,

- (d) the candidates and their election agents,
 - (e) the polling agents appointed to attend at the polling station,
 - (f) the clerks appointed to attend at the polling station,
 - (g) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act⁽³⁾,
 - (h) the constables on duty, and
 - (i) the companions of voters with disabilities.
- (2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.
- (3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.
- (4) A constable or a person employed by a local returning officer may be admitted to vote in person elsewhere than at the polling station allotted under these rules only on production and surrender of a certificate (in these rules referred to as “a certificate as to employment on duty on the day of the poll”) that—
- (a) confirms that the person is a constable, or as the case be, is employed by a local returning officer,
 - (b) is in Form 17 set out in Part 8 of this Schedule or a form to like effect, and
 - (c) is signed by an officer of police of or above the rank of inspector or, as the case may be, by the local returning officer.
- (5) A certificate surrendered under this rule must forthwith be cancelled.

Keeping of order in polling station

- 35.**—(1) It is the presiding officer’s duty to keep order at the officer’s polling station.
- (2) If a person engages in misconduct in a polling station, or fails to obey the presiding officer’s lawful orders, the person may immediately, by the presiding officer’s order, be removed from the polling station—
- (a) by a constable in or near that station, or
 - (b) by any other person authorised in writing by the local returning officer to discharge this function.
- (3) A person so removed may not, without the presiding officer’s permission, re-enter the polling station during the day.
- (4) A person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (5) The powers conferred by this rule may not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity to vote at that station.

Sealing of ballot boxes

- 36.**—(1) Immediately before the commencement of the poll, the presiding officer must show anyone present in the polling station that the ballot box is empty.
- (2) The presiding officer must then—
- (a) lock the box (if it has a lock) and place his or her seal on it in a manner that prevents it from being opened without breaking the seal, and

(3) [2000 c.22](#). Sections 6A to 6F were inserted by section 29 of the Electoral Administration Act [2006 \(c.22\)](#) and amended by paragraph 10 of Schedule 10 to the Police Reform and Social Responsibility Act [2011 \(c.13\)](#).

- (b) place the box in his or her view for the receipt of ballot papers, and keep it so locked (if it has a lock) and sealed.

Questions to be put to voters

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

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

<i>Person applying for ballot paper</i>	<i>Questions</i>
1 A person applying as a elector	<p>(a) Are you the person registered in the register of electors as follows (<i>read out the whole entry from the register</i>)? [R]</p> <p>(b) Have you already voted in this election of a police and crime commissioner, here or elsewhere, otherwise than as a proxy for some other person? [R]</p>
2 A person applying as proxy	<p>(a) Are you the person whose name appears as <i>A B</i> in the list of proxies for this election of a police and crime commissioner as the person entitled to vote as proxy on behalf of <i>C D</i>? [R]</p> <p>(b) Have you already voted in this election of a police and crime commissioner, here or elsewhere, as the person entitled to vote as proxy on behalf of <i>C D</i>? [R]</p> <p>(c) Are you the spouse, civil partner, parent, grandparent, brother/ sister child or grandchild of <i>C D</i>? [R]</p>
3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)	<p>(a) Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)? [R]</p> <p>(b) Have you already voted in this election of a police and crime commissioner, here or elsewhere, as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)? [R]</p> <p>(c) Are you the spouse, civil partner, parent, grandparent, brother/ sister child or grandchild of the elector whose number on the register of electors is (<i>read out the number from the register</i>)? [R]</p>
4 A person applying as proxy if the question at entry 2(c) or 3(c) (if applicable) is not answered in the affirmative	Have you already voted in this election of a police and crime commissioner, here or elsewhere, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/ sister child or grandchild? [R]
5 A person applying as an elector in relation to whom	(a) Did you apply to vote by post?

<i>Person applying for ballot paper</i>	<i>Questions</i>
there is an entry in the postal voters list	(b) Why have you not voted by post?
6 A person applying as proxy who is named in the postal voters list	(a) Did you apply to vote by post as proxy? (b) Why have you not voted by post as proxy?

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, references in the table to reading from the register are to be read as references to reading from that notice.

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

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

Challenge of voter

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

- (a) a candidate or the candidate's election or polling agent declares that there is reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on suspicion of committing or of being about to commit an offence of personation.

Voting procedure

39.—(1) A ballot paper must be delivered to a voter who applies for one subject to any provision of these rules to the contrary.

(2) Immediately before delivery—

- (a) the number and (unless paragraph (3) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 29(3)(d) beside the number of the ballot paper to be issued to the elector,
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received, and
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against the person's name in the list of proxies.

(3) An elector who has an anonymous entry must show the presiding officer his or her official poll card and only the number is to be called out in pursuance of paragraph (2)(a).

(4) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) is modified as follows—

- (a) the reference in sub-paragraph (a) to the copy of the register of electors is to be read as a copy of the notice;
- (b) the reference in sub-paragraph (c) to a mark being placed in the register of electors is to be read as a mark being made on the copy of the notice.

(5) Immediately after receiving the ballot paper, the voter must—

- (a) proceed into one of the compartments in the polling station and there secretly mark the paper and fold it up so as to conceal the vote, and
 - (b) then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.
- (6) The voter must vote without undue delay, and must leave the polling station as soon as he or she has put the ballot paper into the ballot box.

Votes marked by the presiding officer

40.—(1) This rule applies where a voter applies to the presiding officer to mark the voter's ballot paper and the voter—

- (a) is incapacitated by blindness or other disability from voting in the manner directed by these rules, or
 - (b) declares orally that he or she is unable to read.
- (2) The presiding officer must, in the presence of the polling agents—
- (a) cause the voter's vote to be marked on a ballot paper in the manner directed by the voter, and
 - (b) cause the ballot paper to be placed in the ballot box.
- (3) The name of every voter whose vote is marked in pursuance of this rule must be entered on a list (in these rules called "the list of votes marked by the presiding officer"), together with—
- (a) the voter's number on the register of electors, and
 - (b) the reason for the vote being marked in pursuance of this rule.
- (4) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name is the elector's number.
- (5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (3)(a) to the voter's number on the register of electors is to be read as a reference to the number relating to the voter on the notice.

Voting by persons with disabilities

41.—(1) Paragraph (2) applies where a voter applies to the presiding officer, on the ground of blindness or other disability or inability to read, to be allowed to vote with the assistance of an accompanying person (in these rules referred to as the "companion").

- (2) The presiding officer must grant the application if—
- (a) the voter makes an oral or written declaration that he or she is so incapacitated by blindness or other disability, or by an inability to read, as to be unable to vote without assistance,
 - (b) the presiding officer is satisfied that the voter is so incapacitated, and
 - (c) the presiding officer is satisfied by a written declaration made by the companion (in these rules referred to as "the declaration made by the companion of a voter with disabilities") that the companion—
 - (i) is a person qualified to assist the voter, and
 - (ii) has not previously assisted more than one voter with disabilities to vote in the PCC election.
- (3) For the purposes of paragraph (2)(c), a person is qualified to assist a voter with disabilities to vote if the person—

- (a) is entitled to vote as an elector at the PCC election, or
 - (b) is the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter and has attained the age of 18 years.
- (4) The declaration made by the companion—
- (a) must be in Form 18 set out in Part 8 of this Schedule,
 - (b) must be made before the presiding officer at the time when the voter applies to vote with the assistance of the companion, and
 - (c) must forthwith be given to the presiding officer,
- and the presiding officer must attest and retain the declaration.
- (5) No fee or other payment may be charged in respect of the declaration.
- (6) If the presiding officer grants an application under this rule, anything which is by these rules required to be done to or by the voter in connection with the giving of his or her vote may be done to, or with the assistance of, the companion.
- (7) The name of every voter whose vote is given in accordance with this rule must be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”) together with—
- (a) the voter’s number on the register of electors, and
 - (b) the name and address of the companion.
- (8) In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name is the elector’s number.
- (9) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the reference in paragraph (7)(a) to the voter’s number on the register of electors is to be read as a reference to the number relating to the voter on the notice.
- (10) For the purposes of these rules, a person is a voter with disabilities if the person has made a declaration under paragraph (2)(a).

Tendered ballot papers: circumstances where available

42.—(1) In the following cases a person is entitled to mark a ballot paper (a “tendered ballot paper”) in the same manner as any other voter if, in cases 1 to 6, the person satisfactorily answers the questions permitted by law to be asked at the poll.

Rule 43 makes further provision about tendered ballot papers.

- (2) Case 1 is that—
- (a) a person applies for a ballot paper,
 - (b) the person claims—
 - (i) to be a particular elector named on the register, and
 - (ii) not to be named in the postal voters list or the list of proxies, and
 - (c) another person has already voted in person either as that elector or as proxy for that elector.
- (3) Case 2 is that—
- (a) a person applies for a ballot paper,
 - (b) the person claims to be—
 - (i) a particular person named in the list of proxies as proxy for an elector, and
 - (ii) not entitled to vote by post as proxy, and
 - (c) another person has already voted in person either as that elector or as proxy for that elector.

- (4) Case 3 is that—
 - (a) a person applies for a ballot paper,
 - (b) the person claims to be a particular elector named on the register,
 - (c) the person is also named in the postal voters list, and
 - (d) the person claims not to have made an application to vote by post.
- (5) Case 4 is that—
 - (a) a person applies for a ballot paper,
 - (b) the person claims to be a particular person named as a proxy in the list of proxies,
 - (c) the person is also named in the proxy postal voters list, and
 - (d) the person claims not to have made an application to vote by post as proxy.
- (6) Case 5 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
 - (a) a person claims to be a particular elector named on the register and also named in the postal voters list, and
 - (b) the person claims to have lost or not received the postal ballot paper.
- (7) Case 6 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
 - (a) a person claims to be a particular person named as a proxy in the list of proxies and also named in the proxy postal voters list, and
 - (b) the person claims to have lost or not received the postal ballot paper.
- (8) In the case of an elector who has an anonymous entry, the references in this rule to a person named on a register or list are to be read as references to a person whose number appears on the register or list (as the case may be).
- (9) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in this rule to a person named on the register are to be read as references to a person in respect of whom such a notice has been issued.

Tendered ballot papers: general provisions

- 43.**—(1) Tendered ballot papers must be a different colour from the other ballot papers.
- (2) Tendered ballot papers must be given to the presiding officer instead of being put into the ballot box.
 - (3) On receiving a tendered ballot paper from a voter the presiding officer must endorse it with the voter’s name and number on the register of electors.
 - (4) The presiding officer must set tendered ballot papers aside in a separate packet.
 - (5) The name and number on the register of electors of every voter whose vote is marked in pursuance of rule 42 must be entered on a list (in these rules referred to as the “tendered votes list”).
 - (6) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name is the elector’s number.
 - (7) In the case of an elector who has an anonymous entry, the references in paragraphs (3) and (5) to the name of the voter are to be ignored.
 - (8) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in paragraphs (3) and (5) to the voter’s number on the register of electors are to be read as references to the number relating to the voter on the notice.

Spoilt ballot papers

44.—(1) This rule applies if a voter has inadvertently dealt with his or her ballot paper in a manner which means that it cannot conveniently be used as a ballot paper and—

- (a) the voter delivers the ballot paper (in these rules referred to as “a spoilt ballot paper”) to the presiding officer, and
- (b) proves the fact of the inadvertence to the satisfaction of the officer.

(2) The voter may obtain a replacement ballot paper and the spoilt ballot paper must be cancelled immediately.

Correction of errors on the day of the poll

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

Adjournment of poll in case of riot

46.—(1) Where the proceedings at a polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must give notice to the local returning officer as soon as practicable.

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

- (a) the hours of polling on the day to which it is adjourned must be the same as for the original day, and
- (b) references in these rules to the close of the poll are to be read accordingly.

(3) As soon as practicable after receiving notice of the adjournment of a poll, the local returning officer must inform the police area returning officer of that fact and of the cause of its adjournment.

Procedure on close of poll

47.—(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents, make up into separate packets—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key (if any) attached;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (e) the lists prepared under rule 20, including the parts that were completed in accordance with rule 39(2)(b) (together referred to in these rules as “the completed corresponding number lists”);
- (f) the certificates as to employment on duty on the day of the poll;
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 45, and the declarations made by the companions of voters with disabilities.

(2) The marked copies of the registers of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies must be in one packet and

must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty on the day of the poll.

(3) The packets must be sealed with—

- (a) the presiding officer’s seal, and
- (b) the seals of any polling agents who want to affix their seals.

(4) The presiding officer must deliver the packets, or cause them to be delivered, to the local returning officer to be taken charge of by that officer.

(5) If the packets are not delivered by the presiding officer personally to the local returning officer, their delivery must be in accordance with arrangements approved by the local returning officer.

(6) The packets must be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him or her, and accounting for them under the following heads—

- (a) ballot papers issued and not otherwise accounted for,
- (b) unused ballot papers,
- (c) spoiled ballot papers, and
- (d) tendered ballot papers.

COUNTING OF VOTES

Verification of ballot paper accounts

Attendance at verification

48.—(1) The local returning officer must make arrangements for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll.

(2) The local returning officer must give the counting agents notice in writing of the time and place at which the verification of the ballot paper accounts will begin.

(3) A person may be present at the verification of the ballot paper accounts only if—

- (a) the person is within paragraph (4), or
- (b) the person is permitted by the local returning officer to attend.

(4) The persons within this paragraph are—

- (a) the police area returning officer and the local returning officer;
- (b) the clerks of either officer;
- (c) the candidates and one other person chosen by each of them;
- (d) the election agents;
- (e) the counting agents;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act.

(5) The local returning officer may give a person permission under paragraph (3)(b) only if the local returning officer is satisfied that the person’s attendance will not impede the efficient verification of the ballot paper accounts.

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

Procedure at verification of ballot paper accounts

- 49.**—(1) The local returning officer must, in the presence of the counting agents—
- (a) open the ballot boxes from each polling station and count and record the number of ballot papers in each box;
 - (b) verify each ballot paper account;
 - (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (2) A postal ballot paper is not to be taken to be duly returned unless—
- (a) it is returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the voting area for which the officer acts,
 - (b) the postal voting statement, duly signed, is also returned in the manner specified in paragraph 43(1) or (2) of Schedule 2 and, before the close of the poll, it reached the local returning officer or a polling station in the voting area for which the officer acts,
 - (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
 - (d) in a case where an elector’s or proxy’s date of birth and signature are to be verified in accordance with paragraph 51 or 52 of Schedule 2, the local returning officer verifies the date of birth and signature of the elector or proxy (as the case may be).
- (3) The local returning officer, while counting and recording the number of ballot papers, must keep the ballot papers with their faces upwards and take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (4) Unless otherwise directed by the police area returning officer, the local returning officer must determine the hours during which the procedure under this rule is to be carried out and must take proper precautions for the security of the ballot papers and documents.
- (5) The local returning officer must—
- (a) verify each ballot paper account by comparing it with the number of ballot papers recorded by the local returning officer, and the unused and spoilt ballot papers in the local returning officer’s possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list);
 - (b) draw up a statement as to the result of the verification.
- (6) Once the statement is drawn up the local returning officer must inform the police area returning officer of the contents of the statement.
- (7) Any counting agent present at the verification may copy the statement.

Additional steps: verification and count carried out at different places

- 50.**—(1) This rule applies where the votes at a PCC election are to be counted at a place other than that at which the procedures for the verification of the ballot paper accounts are carried out.
- (2) The local returning officer must on completing the procedure under rule 49—
- (a) make up into packets the ballot papers and the postal ballot papers for the PCC election and seal them up into containers endorsing on each the description of the voting area and the police area to which those ballot papers relate; and
 - (b) deliver or cause to be delivered to the place at which the counting of the votes is to be carried out—
 - (i) those containers together with a list of them and of the contents of each, and

(ii) the ballot paper accounts together with a copy of the statement as to the result of their verification.

(3) If the packets are not delivered by the local returning officer personally, their delivery must be in accordance with arrangements approved by the police area returning officer.

(4) The police area returning officer may give a local returning officer for any voting area wholly or partly comprised in the police area directions which, once the packets have been delivered to the place where the votes at the PCC election are to be counted, require the local returning officer to take specified steps for the carrying out of further specified verification procedures in relation to the ballot papers and other documents relating to the PCC election.

(5) In paragraph (4), “specified” means specified by the police area returning officer in directions given under that paragraph.

The first count

Attendance at the first count

51.—(1) The local returning officer must make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll.

(2) The local returning officer must give the counting agents notice in writing of the time and place at which the counting of votes will begin.

(3) A person may be present at the counting of the votes given in a voting area only if—

- (a) the person is within paragraph (4), or
- (b) the person is permitted by the local returning officer to attend,

but, where the votes given in two or more voting areas are to be counted at the same place, the persons who may be present at that place are those who would be entitled to be present at the count for each voting area.

(4) The persons within this paragraph are—

- (a) the police area returning officer and the local returning officer;
- (b) the clerks of either officer;
- (c) the candidates and one other person chosen by each of them;
- (d) the election agents;
- (e) the counting agents;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act.

(5) The local returning officer may give a person permission under paragraph (3)(b) only if the local returning officer—

- (a) is satisfied that the person’s attendance will not impede the efficient counting of the votes, and
- (b) has consulted the election agents or thought it impracticable to do so.

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

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

candidate, the counting agents must be allowed to satisfy themselves that the ballot papers are correctly sorted.

The first count

52.—(1) Where the containers referred to in rule 50 are delivered to the place where the counting of votes is to be carried out, the local returning officer must open in the presence of the counting agents all the packets of ballot papers other than those containing unused, spoiled or tendered ballot papers.

- (2) The local returning officer must not count the votes given on any ballot papers until—
 - (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box;
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (3) The local returning officer must then—
 - (a) where the election is contested by three or more candidates, count the number of first preference votes given for each candidate;
 - (b) where the election is contested by only two candidates, count the votes given for each candidate.
- (4) The local returning officer must not count any tendered ballot paper.
- (5) The local returning officer, while counting the votes, must keep the ballot papers with their faces upwards and take all proper precautions for preventing anyone from seeing the numbers or other unique identifying marks printed on the back of the papers.
- (6) The local returning officer must so far as practicable proceed continuously with the counting of votes, allowing only time for refreshment, except that the local returning officer may exclude the whole or any part of the period between 7 pm and 9 am on the next day.
- (7) During the time so excluded the local returning officer must—
 - (a) place the ballot papers and other documents relating to the PCC election under the local returning officer's seal and the seals of any of the counting agents who want to affix their seals, and
 - (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

- 53.**—(1) Any ballot paper—
- (a) which does not bear the official mark;
 - (b) on which more than one first preference vote is given;
 - (c) on which anything is written or marked by which the voter can be identified (except the printed number and other unique identifying mark on the back);
 - (d) which is unmarked;
 - (e) which is void for uncertainty as to the first preference vote,

is, subject to paragraph (2), void and not to be counted.

- (2) A ballot paper on which the vote is marked—
 - (a) elsewhere than in the proper place, or
 - (b) otherwise than by means of a cross, or
 - (c) by more than one mark,

is not for that reason void if condition A or condition B is met.

- (3) Condition A is that—
 - (a) three or more candidates remain validly nominated,
 - (b) an intention that a first preference vote be given for not more than one of the candidates clearly appears, and
 - (c) the way the paper is marked does not itself identify the voter and it is not shown that the voter can be identified from it.
- (4) Condition B is that—
 - (a) paragraph (3)(a) does not apply,
 - (b) an intention that a vote is for one only of the candidates clearly appears, and
 - (c) the way the paper is marked does not itself identify the voter and it is not shown that the voter can be identified from it.
- (5) A ballot paper—
 - (a) which is not otherwise void, and
 - (b) on which not more than one first preference vote is marked (whether or not a second preference vote is marked),

is valid as respects that first preference vote and must be counted accordingly.

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

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

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

(8) In the case of an election where only two candidates remain validly nominated, this rule is to have effect as if—

- (a) in paragraph (1)(b), for “first preference vote” there were substituted “vote”;
- (b) in paragraphs (1)(e) and (7)(b) and (d), the words “as to the first preference vote” were omitted;
- (c) paragraph (5) were omitted.

Re-count

54.—(1) A person within paragraph (3) who is present on completion of the counting (or any re-count) of the votes in a voting area may require that the votes be re-counted or again re-counted.

(2) The local returning officer may refuse to have the votes re-counted if in the local returning officer’s opinion the requirement is unreasonable.

- (3) The persons within this paragraph are—
 - (a) the candidates;
 - (b) the election agents;

(c) the counting agents who, in relation to the count or re-count, are authorised under rule 31(2).

(4) No step is to be taken on the completion of the counting (or any re-count) of votes until the persons within paragraph (3) who are present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Direction to conduct a re-count

55.—(1) The police area returning officer may direct a local returning officer to have the votes re-counted.

(2) The police area returning officer may give a direction under paragraph (1) only if the police area returning officer has reason to doubt the accuracy of the counting of the votes in the voting area for which the local returning officer acts.

(3) A local returning officer who is given a direction under paragraph (1) must—

- (a) begin the re-count as soon as practicable, and
- (b) if the officer does not begin the re-count immediately, notify the counting agents of the time and place at which it will take place.

Decisions on ballot papers

56. The decision on any question arising in respect of a ballot paper which is made by the local returning officer is final, but may be subject to review on a PCC election petition.

Procedure at conclusion of the first count

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

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

(2) As soon as practicable after the statement is drawn up under paragraph (1), the local returning officer must inform the police area returning officer of its contents.

(3) As soon as practicable after being authorised to do so by the police area returning officer, the local returning officer must—

- (a) inform such of the candidates and their election agents as are then present of the contents of—
 - (i) the statement prepared in accordance with paragraph (1), and
 - (ii) the statement prepared in accordance with rule 53(7), and
- (b) give public notice of the contents of those statements.

The central calculation

Attendance at the central calculation

58.—(1) The police area returning officer—

- (a) must make arrangements for the making of the calculation under rule 59 in the presence of the election agents, and
- (b) must give to those agents notice in writing of the time and place at which the calculation will begin.

(2) No person other than—

- (a) the police area returning officer and the officer’s clerks;
- (b) the local returning officers and a clerk chosen by each of them;
- (c) the candidates and one person chosen by each of them;
- (d) the election agents;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

may be present at a calculation, unless permitted by the police area returning officer to attend.

(3) A person not entitled to attend a calculation must not be permitted to do so by the police area returning officer unless the officer—

- (a) is satisfied that the efficiency of the calculation will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

The first calculation and resolution of equality

59.—(1) As soon as the police area returning officer has received the information required by rule 57 from every local returning officer, the police area returning officer must—

- (a) in relation to an election contested by three or more candidates, ascertain the total of the first preference votes given in the police area to each candidate;
- (b) in relation to an election contested by only two candidates, ascertain the total number of votes given in the police area to each candidate.

(2) As soon as the police area returning officer has ascertained the result of the calculation, the officer must inform such of the election agents as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) A person informed of the relevant figures under paragraph (2) may require the police area returning officer to make a calculation again but the officer may refuse to do so if in the officer’s opinion the request is unreasonable.

(4) In paragraphs (2) and (3), “the relevant figures” means—

- (a) in the case of an election contested by three or more candidates—
 - (i) the number of first preference votes given in the police area for each candidate, and
 - (ii) the calculation undertaken by the police area returning officer for the purpose of ascertaining whether a candidate is to be returned in accordance with paragraph 3 of Schedule 9 to the 2011 Act (candidate with overall majority of first preference votes);
- (b) in the case of an election contested by only two candidates, the total number of votes given in the police area for each candidate.

(5) Where an election is contested by three or more candidates—

- (a) if paragraph 3 of Schedule 9 to the 2011 Act applies (candidate with overall majority of first preference votes), the declaration of the person to be returned to the office of police and crime commissioner for the police area must be made in accordance with rule 62;
 - (b) if paragraph 4(1) of Schedule 9 to the 2011 Act applies (no candidate with overall majority of first preference votes), the police area returning officer must proceed with the second calculation in accordance with Part 4 of these Rules.
- (6) Where an election is contested by only two candidates and the total number of votes given for each of them is unequal, the person to be returned to the office of police and crime commissioner for the police area is the candidate to whom the majority of the votes is given.
- (7) Where an election is contested by only two candidates and the total number of votes given for each of them is equal, the person to be returned to the office of police and crime commissioner for the police area is the person whom the police area returning officer decides, in accordance with paragraph 4(8) of Schedule 9 to the 2011 Act, is to be returned to that office.
- (8) In a case to which paragraph (6) or (7) applies, the declaration of the person to be returned to the office of police and crime commissioner for the police area must be made in accordance with rule 62.