
DRAFT STATUTORY INSTRUMENTS

2016 No.

The National Assembly for Wales (Representation
of the People) (Amendment) Order 2016

PART 3

Other amendments

Amendment of Schedule 1 (absent voting at Assembly elections)

- 15.—(1) Amend Schedule 1 (absent voting at Assembly elections) as follows.
(2) After paragraph 2 (the personal identifiers record) insert—

“Notification of rejected postal voting statement

2A.—(1) Where an absent voter (whether an elector or a proxy) appears on the list created under paragraph 27(4) of Schedule 3 (list of rejected postal ballot papers)(1) then—

- (a) the registration officer responsible for the personal identifiers record that contains information in respect of the absent voter must notify that person (and the elector if the absent voter is a proxy) that the ballot paper concerned was rejected because the returning officer was not satisfied that the postal voting statement was duly completed;
- (b) the registration officer must send the notification within the period of three months beginning with the date of the poll at which the ballot paper was rejected; and
- (c) the notification must include information as to which of the specified reasons referred to in paragraph 27(5) of Schedule 3 applied to the absent voter’s postal voting statement.

(2) The registration officer is not obliged to send a notification—

- (a) to any person who is no longer shown as voting by post in the relevant record at the time the registration officer proposes to send out the notification, or
- (b) where the returning officer suspects that an offence may have been committed in relation to the ballot paper, postal voting statement or the absent voter’s registration as an elector.

(3) A notification issued under sub-paragraph (1) may also include any other information that the registration officer considers appropriate, but (save for the elector’s or, as the case may be, proxy’s name) a notification must not include information held on the personal identifiers record.”.

(3) In paragraph 6(2) (additional requirements for applications to vote by proxy at a particular election)—

(1) Sub-paragraphs (4) and (5) are inserted by article 16(9) of this Order.
(2) Paragraph 6 has been amended by [S.I. 2010/2931](#).

- (a) after sub-paragraph (3) insert—
 - “(3A) Where an application under article 9(1)—
 - (a) is made on grounds relating to the applicant’s occupation, service or employment; and
 - (b) is made after 5pm on the sixth day before the date of the poll at the election for which it is made,
 the requirements of paragraph 6A as to the matters to be specified and the attestation apply.”;
 - (b) in sub-paragraph (4), for “article 7(7)” substitute “article 7(8)”;
 - (c) in sub-paragraph (5), for “paragraph (4)” substitute “sub-paragraph (4)”.
- (4) After paragraph 6 insert—

“Additional requirements for application for an emergency proxy vote in respect of a particular election

- 6A.—**(1) This paragraph sets out the requirements referred to in paragraph 6(3A).
- (2) The application must (in addition to providing the information required by paragraph 6(1)) state—
 - (a) where the applicant is employed, the name of the applicant’s employer, and in any other case, the nature of the applicant’s occupation or service;
 - (b) that the reason provided in accordance with paragraph 6(1) relates to the applicant’s occupation, service or employment; and
 - (c) the date on which the applicant became aware of that reason.
- (3) Sub-paragraphs (4), (5) and (6) apply unless the applicant is or will be registered as a service voter.
- (4) The application must be attested and signed—
 - (a) where the applicant is employed, by the applicant’s employer or by another employee to whom this function is delegated by the employer; and
 - (b) in any other case, by a person who—
 - (i) is aged 18 years or over,
 - (ii) knows the applicant, and
 - (iii) is not related to the applicant.
- (5) The person attesting an application under sub-paragraph (4) (“the attester”) must certify that the statements required by sub-paragraph (2) and the information required by paragraph 6(1) are true to the best of the attester’s knowledge and belief.
- (6) The attester must also state—
 - (a) the attester’s name and address; and
 - (b) if the attester is attesting—
 - (i) as or on behalf of the applicant’s employer, that the attester is the applicant’s employer, or the position the attester holds in the employment of that employer, or
 - (ii) other than as or on behalf of the applicant’s employer, that the attester is aged 18 years or over and that the attester knows, but is not related to, the applicant.
- (7) For the purposes of this paragraph, one person (“A”) is related to another (“B”) if A is the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of B.”.

- (5) In paragraph 7 (closing dates for applications)—
- (a) in sub-paragraph (3)(a)—
 - (i) after “before” insert “the date of”; and
 - (ii) at the end omit “or”;
 - (b) after sub-paragraph (3)(a) insert—
 - “(aa) on grounds relating to the applicant’s occupation, service or employment and the applicant became aware of those grounds after 5pm on the sixth day before the date of the poll at the election for which it is made; or”;
 - (c) after sub-paragraph (5) insert—
 - “(5A) Any application or notice mentioned in this paragraph shall be disregarded for the purposes of a particular Assembly election if, before the application or notice is considered by the registration officer, the elector or proxy has returned a postal ballot paper to the constituency returning officer (except where it has been returned in accordance with paragraph 14 or 15 of Schedule 3 (spoilt or lost postal ballot papers)).”
- (6) After paragraph 12 (requirement to provide fresh signatures at five yearly intervals) insert—

“Requirement to provide fresh signatures following rejection of postal voting statement

12A.—(1) Where, in relation to an Assembly election,—

- (a) an absent voter is notified under paragraph 2A that the signature on the absent voter’s postal voting statement does not match the example held on the personal identifiers record; and
- (b) the absent voter continues to be shown in the relevant record as voting by post,

the registration officer may require the absent voter to provide a fresh signature for the personal identifiers record.

(2) In doing so the registration officer must issue a notice (“the notice”) in writing to the absent voter—

- (a) requiring the absent voter to provide a fresh signature; and
- (b) informing the absent voter of the date (six weeks from the date of sending the notice) on which the absent voter would cease to be entitled to vote by post in the event of a failure or refusal to provide a fresh signature.

(3) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which it was sent, as soon as practicable send a copy of the notice to the absent voter.

(4) The notice and any copy must be sent by the registration officer to the absent voter’s current or last known address.

- (5) Where a notice or a copy of a notice is sent by post, the registration officer may use—
 - (a) a universal service provider; or
 - (b) a commercial delivery firm,

and postage must be prepaid.

(6) A notice or copy of a notice sent to an absent voter in accordance with sub-paragraph (2) or (3) must be accompanied by a pre-addressed reply envelope and, in the case of a notice or copy of a notice sent to an address in the United Kingdom, the return postage must be prepaid.

(7) As soon as practicable after the date specified in the notice, the registration officer must determine whether the absent voter has failed or refused to provide a fresh signature.

(8) Where the registration officer determines that the absent voter has failed or refused to provide a fresh signature, the registration officer must—

- (a) remove the absent voter’s entry from the relevant record; and
- (b) so far as applicable, remove the absent voter’s entry from the postal voters list or proxy postal voters list (as the case may be) kept under article 10(1) and (2) or 12(8).

(9) Where a registration officer removes an absent voter’s entry from a record or list in the circumstances to which sub-paragraph (8) refers—

- (a) the registration officer must inform the absent voter, where appropriate, of the location of the polling station allotted or likely to be allotted to the absent voter under rule 34 of the Assembly election rules;
- (b) article 5(3) and paragraphs 8(4) and 9 apply as if the registration officer were refusing an application under this Schedule; and
- (c) in the case of an entry removed from the record kept under article 12(6) or the proxy postal voters list kept under article 12(8), the registration officer must also notify the elector who appointed the voter that the proxy’s entry has been removed.

(10) The registration officer must include in the notice to be sent to the absent voter regarding the absent voter’s removal from the relevant record and, so far as applicable, the postal voters list or proxy postal voters list (as the case may be) kept pursuant to article 10(1) and (2) or 12(8) information—

- (a) explaining the effect of such removal; and
- (b) reminding the absent voter that he or she may make a fresh application to vote by post or (in the case of an absent voter removed from the record kept under article 8(3) or the postal voters list kept under article 10(1) and (2)) by proxy.

(11) Where an absent voter has provided the registration officer with a fresh signature in response to a notice issued by the registration officer under this paragraph, or in response to a notice issued by the registration officer under any other enactment following the rejection of the absent voter’s postal voting statement at an election or referendum, the registration officer may use that signature and enter it in the records kept in accordance with paragraph 2 of this Schedule and articles 8(9), 9(6) and 12(13).

(12) In this paragraph the “relevant record” means the record kept under article 8(3) or, as the case may be, article 12(6).”.

(3) article 5 is amended by article 9 of this Order.