

2004 No. 227

LONDON GOVERNMENT

REPRESENTATION OF THE PEOPLE

**The Greater London Authority Elections (Amendment) Rules
2004**

<i>Made</i> - - - -	<i>4th February 2004</i>
<i>Laid before Parliament</i>	<i>5th February 2004</i>
<i>Coming into force</i> - -	<i>1st March 2004</i>

The First Secretary of State, in exercise of the powers conferred upon him by section 36(2), (2A) and (2B) of the Representation of the People Act 1983(a), and having consulted the Electoral Commission as required by section 7 of the Political Parties, Elections and Referendums Act 2000(b), hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Greater London Authority Elections (Amendment) Rules 2004 and shall come into force on 1st March 2004.

(2) In these Rules “the GLA Elections Rules” means the Greater London Authority Elections (No. 2) Rules 2000(c).

Amendment of the GLA Elections Rules

2.—(1) The GLA Elections Rules are amended as follows.

(2) For rule 5 (returning officers: duties at ordinary elections) substitute—

“Returning officers duties

5.—(1) At an ordinary election it shall be the duty of returning officers(d) to co-operate with each other in the discharge of their functions.

(2) Where a poll is to be taken—

- (a) for the return of the London members; or
- (b) for the return of the Mayor,

(a) 1983 c. 2. Subsections (2A) and (2B) were inserted by the Greater London Authority Act 1999 (c.29), Schedule 3, paragraph 4(2).

(b) 2000 c. 41.

(c) S.I. 2000/427 amended by S.I. 2000/1040, 2001/3789.

(d) See section 29 of the Greater London Authority Act 1999 and section 35(2B) and (2C) of the Representation of the People Act 1983 (c. 2) which were inserted by the Greater London Authority Act 1999, Schedule 3, paragraph 3(1) and (2).

it shall be the duty of constituency returning officers to take, and verify the ballot papers at, the poll (or each poll if both are to be taken) and to count the votes cast in that poll (or each poll, if both are to be taken).

(3) Without prejudice to paragraphs (1) and (2), the Greater London returning officer may give to any constituency returning officer directions relating to the discharge of any of the functions of the constituency returning officer, including directions requiring the provision to the Greater London returning officer of any information which the constituency returning officer has or is entitled to have.

(4) It shall be the duty of each person to whom directions are given under paragraph (3) to discharge his functions in accordance with the directions.”

(3) For rule 8 (combination of polls) substitute—

“Combination of polls

8.—(1) This rule applies where an election—

- (a) for the return of the Mayor; or
- (b) for the return of an Assembly member,

is taken together with—

- (i) the poll at a parliamentary election, European Parliamentary election or local government election (other than a GLA election) under section 15(1) or (2) of the Representation of the People Act 1985(a); or
- (ii) the poll at a local authority mayoral election or referendum in accordance with regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(b).

(2) For rule 3 substitute—

“Rules for Greater London Authority elections at combined polls

3.—(1) The Constituency Members Election Rules in Schedule 8 shall have effect for the purposes of the election of constituency members of the London Assembly whether at an ordinary election or in the circumstances mentioned in section 10 (filling a vacancy in an Assembly constituency) of the Greater London Authority Act 1999(c).

(2) The London Members Election Rules in Schedule 9, with the exception of Part VII, shall have effect for the purposes of the allocation of seats for London members at any ordinary election; and Part VII of those Rules shall have effect for the purposes of section 11 (filling a vacancy among the London members) of the Greater London Authority Act 1999.

(3) The Mayoral Election Rules in Schedule 10 shall have effect for the purposes of —

- (a) the election of the Mayor of London; and
- (b) any election under subsection (2) of section 16 (filling a vacancy in the office of Mayor(d)) of the Greater London Authority Act 1999.”

(4) Schedules 1 to 4 shall not apply.

(5) In rule 6 (electronic counting of votes) for “Schedule 6” substitute “Schedule 11”.

(6) Schedule 11 (modifications to rules at combined polls (Schedules 8 to 10) where votes counted by electronic means) shall apply.

(a) 1985 c. 50.

(b) 2000 c. 22.

(c) 1999 c. 29.

(d) See also section 16(9) of the Greater London Authority Act 1999 for the circumstances in which a vacancy in the office of Mayor is to be left unfilled.

(7) Any reference to the Constituency Members Election Rules, the London Members Election Rules or Mayoral Election Rules in the GLA Elections Rules shall be construed as a reference to the corresponding version of those Rules in Schedule 8, 9 or 10.

(8) Any reference to the Ordinary Elections Rules in the GLA Elections Rule shall be construed as a reference to the version of the Constituency Members Election Rules, London Members Election Rules or Mayoral Election Rules in Schedule 8, 9 or 10.”

(4) After rule 8 (combination of polls), insert—

“9. Schedule 12 shall have effect.”

(5) Schedule 1 (the Constituency Members Election Rules) shall be amended as shown in Schedule 1 to these Rules.

(6) Schedule 2 (the London Members Election Rules) shall be amended as shown in Schedule 2 to these Rules.

(7) Schedule 3 (the Mayoral Election Rules) shall be amended as shown in Schedule 3 to these Rules.

(8) Schedule 5 (forms) shall be amended as shown in Schedule 4 to these Rules.

(9) For Schedule 8 (modifications to apply where the poll at a GLA election is taken together with the poll at another election under section 15(1) or (2) of the Representation of the People Act 1983) there shall be substituted the Schedules shown in Schedule 5 to these Rules.

(10) After Schedule 11 as inserted by these Rules, there shall be inserted Schedule 12 as set out in Schedule 6 to these Rules.

Revocations

3. Rule 7 of and Schedule 7 to the GLA Elections Rules (amendment of the Local Elections (Principal Areas) Rules 1986) are revoked.

Signed by authority of the First Secretary of State

4th February 2004

Nick Raynsford
Minister of State
Office of the Deputy Prime Minister

SCHEDULE 1

Rule 2(5)

AMENDMENTS TO SCHEDULE 1—

THE CONSTITUENCY MEMBERS ELECTION RULES

1. For rule 20 substitute—

“Postal ballot papers

20.—(1) The CRO shall, as soon as practicable, send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity, together with an envelope for their return.

(2) The declaration of identity shall be in the appropriate form, or a form to the like effect.

(3) In place of the parts of the form specified in paragraph (4), the form may include such alternative information as the GLRO may decide, relating to—

- (a) the system of voting at the GLA election;
- (b) how many votes a voter has at each GLA election;
- (c) the marks to be used, and the manner in which they should be used, in order to ensure that a vote is counted for any candidate,

and which complies with paragraph 4 of Schedule 12 (as though that information were to be included in a notice).

(4) The parts of the form referred to in paragraph (3) are—

- (a) in the case of Form 8, paragraph 2;
- (b) in the case of Form 9, paragraphs 2 to 4.

(5) Where the GLRO has decided to provide alternative information pursuant to paragraph (3), he shall notify the CRO of the information that shall appear in the form pursuant to that paragraph.”

2. After rule 23 insert—

“Information for voters in election booklets

23A.—(1) At an ordinary election the GLRO may, in addition to a statement(a) by him in an election booklet, include in the booklet information for voters(b) that has been agreed by him with the Electoral Commission.

(2) The information for voters may be about—

- (a) the office of the Mayor and the Assembly;
- (b) the system of voting at each GLA election;
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast.

(3) The information for voters must not contain—

- (a) any advertising material;
- (b) any material referring to a candidate or a registered party, other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election;
- (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.”

3. In rule 24 (equipment of polling stations) for paragraph (4) substitute—

“(4) The CRO shall also provide each polling station with—

- (a) at least one large version of the ballot paper, which shall be displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) 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 34.

(5) The device referred to in paragraph (4)(b) above must—

(a) See article 8(2) of the Greater London Authority Elections (Election Addresses) Order 2003 (S.I. 2003/1907).

(b) The election booklet may also include such other information as the GLRO is required or permitted by or under any enactment to publish in the booklet. See article 8(4) of the Greater London Authority Elections (Election Addresses) Order 2003.

- (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) keep the ballot paper firmly in place during use;
- (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the candidate to whom each such space refers; and
 - (iii) mark his vote on the space he has chosen.”

4. After paragraph 24 insert—

“Notices for the guidance of voters

24A.—(1) Subject to paragraph (6), notices for the guidance of voters shall be exhibited—

- (a) outside every polling station;
- (b) inside every polling station; and
- (c) in every compartment of every polling station.

(2) The notices shall be prepared by the GLRO and shall comply with the requirements of Schedule 12.

(3) The GLRO shall provide the CRO with the notices to be exhibited.

(4) The GLRO may, in addition, also prepare versions in Braille or languages other than English that are accurate translations of any such notice.

(5) The GLRO shall upon request by a CRO provide the CRO with any notice prepared under paragraph (4).

(6) Notices provided under paragraph (5) may, at the discretion of the CRO, be exhibited at any polling station—

- (a) outside the polling station;
- (b) inside the polling station, or
- (c) in every compartment of the polling station.”

5. In rule 26 (notification of requirement of secrecy), for “a blind voter” substitute “a voter with disabilities”.

6. In rule 27(1) (admission to polling station)—

- (a) omit “and” at the end of sub-paragraph (d); and
- (b) in sub-paragraph (e) for “blind voters” substitute—
 - “voters with disabilities; and
 - (f) any person authorised by the Electoral Commission to attend at polling stations as a representative of the Commission.”

7. For rule 34 (voting by blind persons), substitute—

“Voting by persons with disabilities

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

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

to vote with the assistance of another person by whom he is accompanied (in these Rules referred to as “the companion”), the presiding officer shall require the voter to declare,

orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

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

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

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

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

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

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

(6) The declaration made by the companion—

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

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

8. In rule 38 (procedure on close of poll) for “blind voters” (wherever occurring) substitute “voters with disabilities”.

9. In rule 39(2)(attendance at counting of votes) after “(d) the counting agents,” insert—

“; and

- (e) any person authorised by the Electoral Commission to attend at the counting of the votes as a representative of the Commission.”.

10. In rule 40 (the count), for paragraph (4) substitute—

“(4) A postal ballot paper shall not be taken to be duly returned unless before the close of the poll—

- (a) it is returned, and
- (b) the declaration of identity duly signed and authenticated is returned, by hand to a polling station in the constituency, or by hand or by post to the CRO.”

11. In rule 41 (rejected ballot papers)—

- (a) in paragraph (1) before sub-paragraph (a) insert—
 - “(aa) which does not bear the official mark,”; and
- (b) in paragraph (4) before sub-paragraph (a) insert—

“(aa) want of an official mark;”.

12. In rule 48 (delivery and retention of documents)—

- (a) for “blind voters” (wherever occurring) substitute “voters with disabilities”;
- (b) in paragraph (1), for “forward to the GLRO” substitute “transfer control to the GLRO of”; and
- (c) after paragraph (2), insert—
 - “(3) Any document which has been transferred to the control of the GLRO under this rule shall either—
 - (a) be kept by the CRO on behalf of the GLRO; or
 - (b) be forwarded by the CRO to the GLRO,as the GLRO shall decide.”

13. In rule 49 (orders for production of documents)—

- (a) in sub-paragraph (a) of paragraph (1), for “in the custody of the proper officer” substitute “under the control of the GLRO”;
- (b) in sub-paragraph (b) of paragraph (1), for “in his custody” substitute “under his control”;
- (c) in paragraph (2), for “in the custody” substitute “under the control”;
- (d) in paragraph (6), for “in his possession” substitute “under his control”;
- (e) in paragraph (8), for “in the possession” substitute “under the control”.

14. In rule 50 (retention, public inspection and destruction of documents) in paragraph (1) for “shall retain for six months amongst the records of the Authority all documents relating to an election forwarded to him” substitute “shall retain or cause to be retained for six months all documents relating to an election placed under his control”.

SCHEDULE 2

Rule 2(6)

AMENDMENTS TO SCHEDULE 2—

THE LONDON MEMBERS ELECTION RULES

1. For rule 20 substitute—

“Postal ballot papers

20.—(1) The CRO shall, as soon as practicable, send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity, together with an envelope for their return.

(2) The declaration of identity shall be in the appropriate form, or a form to the like effect.

(3) In place of the parts of the form specified in paragraph (4), the form may include such alternative information as the GLRO may decide, relating to—

- (a) the system of voting at the GLA election;
- (b) how many votes a voter has in each GLA election;
- (c) the marks to be used, and the manner in which they should be used, in order to ensure that a vote is counted for any party or individual candidate,

and which complies with paragraph 4 of Schedule 12 (as though that information were to be included in a notice).

(4) The parts of the form referred to in paragraph (3) are paragraphs 2 to 4 of Form 9.

(5) Where the GLRO has decided to provide alternative information pursuant to paragraph (3), he shall notify the CRO of the information that shall appear in the form pursuant to that paragraph.”

2. After rule 24 insert—

“Information for voters in election booklets

24A.—(1) At an ordinary election the GLRO may, in addition to a statement(a) by him in an election booklet, include in the booklet information for voters(b) that has been agreed by him with the Electoral Commission.

(2) The information for voters may be about—

- (a) the office of the Mayor and the Assembly;
- (b) the system of voting at each GLA election;
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast.

(3) The information for voters must not contain—

- (a) any advertising material;
- (b) any material referring to a candidate or a registered party, other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election;
- (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.”

3. In rule 25 (equipment of polling stations), for paragraph (4) substitute—

“(4) The CRO shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) 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 35.

(5) The device referred to in paragraph (4)(b) above 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) keep the ballot paper firmly in place during use;
- (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the candidate to whom each such space refers; and
 - (iii) mark his vote on the space he has chosen.”

4. After paragraph 25 insert—

(a) See article 8(2) of the Greater London Authority Elections (Election Addresses) Order 2003 (S.I.2003/1907).

(b) The election booklet may also include such other information as the GLRO is required or permitted by or under any enactment to publish in the booklet. See article 8(4) of the Greater London Authority Elections (Election Addresses) Order 2003.

“Notices for the guidance of voters

25A.—(1) Subject to paragraph (6), notices for the guidance of voters shall be exhibited—

- (a) outside every polling station,
- (b) inside every polling station, and
- (c) in every compartment of every polling station.

(2) The notices shall be prepared by the GLRO and shall comply with the requirements of Schedule 12.

(3) The GLRO shall provide the CRO with the notices to be exhibited.

(4) The GLRO may, in addition, prepare versions in Braille or languages other than English that are accurate translations of any such notice.

(5) The GLRO shall upon request by a CRO provide the CRO with any notice prepared under paragraph (4).

(6) Notices provided under paragraph (5) may, at the discretion of the CRO, be exhibited in any polling station—

- (a) outside the polling station;
- (b) inside the polling station; or
- (c) in every compartment of the polling station.”

5. In rule 26 (appointment of polling and counting agents), after paragraph (2) insert—

“(2A) For each local count, one (but no more than one) counting agent of each registered party standing nominated or individual candidate, as the case may be, may be authorised by the terms of his appointment to require a re-count at that count.”

6. In rule 27 (notification of requirement of secrecy), for “a blind voter” substitute “a voter with disabilities”.

7. In rule 28(1) (admission to polling station)—

- (a) omit “and” at the end of sub-paragraph (d); and
- (b) in sub-paragraph (e) for “blind voters” substitute—
 - “voters with disabilities; and
 - (f) any person authorised by the Electoral Commission to attend at polling stations as a representative of the Commission”.

8. For rule 35 (voting by blind persons), substitute—

“Voting by persons with disabilities

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

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

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

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—

- (i) is a qualified person within the meaning of these Rules, and
- (ii) has not previously assisted more than one voter with disabilities to vote at the election,

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

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

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

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

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

(6) The declaration made by the companion—

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

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

9. In rule 39 (procedure on close of poll), for “blind voters” (wherever occurring) substitute “voters with disabilities”.

10. In rule 40(2) (attendance at counting of votes), after “(d) the counting agents,” insert—

“; and

- (e) any person authorised by the Electoral Commission to attend at the counting of the votes as a representative of the Commission”.

11. In rule 41 (the local count), for paragraph (3) substitute—

“(3) A postal ballot paper shall not be taken to be duly returned unless before the close of the poll—

- (a) it is returned, and
- (b) the declaration of identity duly signed and authenticated is returned, by hand to a polling station in the constituency, or by hand or by post to the CRO.”

12. In rule 42 (rejected ballot papers)—

- (a) in paragraph (1), before sub-paragraph (a) insert—
“(aa) which does not bear the official mark,”; and
- (b) in paragraph (4), before sub-paragraph (a) insert—
“(aa) want of an official mark;”.

13. In rule 44 (re-count)—

- (a) in paragraph (1), after “the election agent for that list” insert “or a counting agent authorised under rule 26(2A)”;
- (b) in paragraph (2), for “election agents” substitute “election agents and counting agents authorised under rule 26(2A)”.

14. In rule 51 (delivery and retention of documents)—
- (a) for “blind voters” (wherever occurring) substitute “voters with disabilities”;
 - (b) in paragraph (1), for “forward to the proper officer” substitute “transfer control to the GLRO of”; and
 - (c) after paragraph (2) insert—
 - “(3) Any document which has been transferred to the control of the GLRO under this rule shall either—
 - (a) be kept by the CRO on behalf of the GLRO; or
 - (b) be forwarded by the CRO to the GLRO,
 as the GLRO shall decide.”
15. In rule 52 (orders for production of documents)—
- (a) for “proper officer” (wherever occurring) substitute “GLRO”;
 - (b) in sub-paragraph (a) of paragraph (1), for “in the custody” substitute “under the control”;
 - (c) in sub-paragraph (b) of paragraph (1), for “in his custody” substitute “under his control”;
 - (d) in paragraph (2), for “in the custody” substitute “under the control”;
 - (e) in paragraph (6), for “in his possession” substitute “under his control”;
 - (f) in paragraph (8), for “in the possession” substitute “under the control”.
16. In rule 53 (retention, public inspection and destruction of documents)—
- (a) for “proper officer” (wherever occurring) substitute “GLRO”;
 - (b) in paragraph (1) for “retain for six months amongst the records of the Authority all documents relating to an election forwarded to him” substitute “retain or cause to be retained for six months all documents relating to an election placed under his control”.
17. Omit rule 59.

SCHEDULE 3

Rule 2(7)

AMENDMENTS TO SCHEDULE 3— THE MAYORAL ELECTION RULES

1. For rule 20 substitute—

“Postal ballot papers

20.—(1) The CRO shall, as soon as practicable, send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity, together with an envelope for their return.

(2) The declaration of identity shall be in the appropriate form, or a form to the like effect.

(3) In place of the parts of the form specified in paragraph (4), the form may include such alternative information as the GLRO may decide, relating to—

- (a) the system of voting at the GLA election;
- (b) how many votes a voter has in each GLA election;
- (c) the marks to be used, and the manner in which they should be used, in order to ensure that a vote is counted for any candidate,

and which complies with paragraph 4 of Schedule 12 (as though that information were to be included in a notice).

(4) The parts of the form referred to in paragraph (3) are—

- (a) in the case of Form 8, paragraph 2;
- (b) in the case of Form 9, paragraphs 2 to 4.

(5) Where the GLRO has decided to provide alternative information pursuant to paragraph (3), he shall notify the CRO of the information that shall appear in the form pursuant to that paragraph.”

2. After rule 24 insert—

“Information for voters in election booklets

24A.—(1) At an ordinary election the GLRO may, in addition to a statement(a) by him in an election booklet, include in the booklet information for voters(b) that has been agreed by him with the Electoral Commission.

(2) The information for voters may be about—

- (a) the office of the Mayor and the Assembly;
- (b) the system of voting at each GLA election;
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast.

(3) The information for voters must not contain—

- (a) any advertising material;
- (b) any material referring to a candidate or a registered party other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election;
- (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.”

3. In rule 25 (equipment of polling stations) for paragraph (5) substitute—

“(5) The CRO shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) 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 35.

(6) The device referred to in paragraph (5)(b) above 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) keep the ballot paper firmly in place during use; and
- (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the candidate to whom each such space refers; and
 - (iii) mark his vote on the space he has chosen.”

4. After paragraph 25 insert—

(a) See article 8(2) of the Greater London Authority Elections (Election Addresses) Order 2003 (S.I.2003/1907).

(b) The election booklet may also include such other information as the GLRO is required or permitted by or under any enactment to publish in the booklet. See article 8(4) of the Greater London Authority Elections (Election Addresses) Order 2003.

“Notices for the guidance of voters

25A.—(1) Subject to paragraph (6), notices for the guidance of voters shall be exhibited—

- (a) outside every polling station,
- (b) inside every polling station, and
- (c) in every compartment of every polling station.

(2) The notices shall be prepared by the GLRO and shall comply with the requirements of Schedule 12.

(3) The GLRO shall provide the CRO with the notices to be exhibited.

(4) The GLRO may, in addition, also prepare versions in Braille or languages other than English that are accurate translations of any such notice.

(5) The GLRO shall upon request by a CRO provide the CRO with any notice prepared under paragraph (4).

(6) Notices provided under paragraph (6) may, at the discretion of the CRO, be exhibited at any polling station—

- (a) outside the polling station,
- (b) inside the polling station, or
- (c) in every compartment of the polling station.”.

5. In rule 26 (appointment of polling and counting agents) after paragraph (2) insert—

“(2A) For each local count one (but no more than one) counting agent of each candidate may be authorised by the terms of his appointment to require a re-count at that count.”

6. In rule 27 (notification of requirement of secrecy) for “a blind voter” substitute “a voter with disabilities”.

7. In rule 28(1) (admission to polling station)—

- (a) omit “and” at the end of sub-paragraph (d); and
- (b) in sub-paragraph (e) for “blind voters” substitute—
 - “voters with disabilities; and
- (f) any person authorised by the Electoral Commission to attend at polling stations as a representative of the Commission”.

8. For rule 35 (voting by blind persons) substitute—

“Voting by persons with disabilities

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

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

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

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—

- (i) is a qualified person within the meaning of these Rules; and
- (ii) has not previously assisted more than one voter with disabilities to vote at the election,

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

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

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

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

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

(6) The declaration made by the companion—

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

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

9. In rule 39 (procedure on close of poll), for “blind voters” (wherever occurring) substitute “voters with disabilities”.

10. In rule 40(2)(attendance at local count), after “(d) the counting agents,” insert—

“; and

- (e) any person authorised by the Electoral Commission to attend at the counting of the votes as a representative of the Commission”.

11. In rule 41 (the local count), for paragraph (4) substitute—

“(4) A postal ballot paper shall not be taken to be duly returned unless before the close of the poll—

- (a) it is returned, and
- (b) the declaration of identity duly signed and authenticated is returned, by hand to a polling station in the constituency, or by hand or by post to the CRO.”

12. In rule 42 (rejected ballot papers)—

- (a) in paragraph (1), before sub-paragraph (a) insert—
“(aa) which does not bear the official mark,”; and
- (b) in paragraph (5), before sub-paragraph (a) insert—
“(aa) want of an official mark;”.

13. In rule 44 (re-count)—

- (a) in paragraph (1), after “his election agent” insert “or a counting agent authorised under rule 26(2A)”;
- (b) in paragraph (2), for “election agents” substitute “election agents and counting agents authorised under rule 26(2A)”.

14. In rule 46(2) (attendance at central calculation) at the end of sub-paragraph (c) omit “and” and insert—

“(d) any person authorised by the Electoral Commission to attend at the counting of the votes as a representative of the Commission, and
(e)”.

15. In rule 53 (delivery and retention of documents)—

- (a) for “blind voters” (wherever occurring) substitute “voters with disabilities”.
- (b) in paragraph (1) for “forward to the GLRO” substitute “transfer control to the GLRO of”; and
- (c) after paragraph (2) insert—

“(3) Any document which has been transferred to the control of the GLRO under this rule shall either—

- (a) be kept by the CRO on behalf of the GLRO; or
- (b) be forwarded by the CRO to the GLRO,

as the GLRO shall decide.”

16. In rule 54 (orders for production of documents)—

- (a) in sub-paragraph (a) of paragraph (1), for “in the custody” substitute “under the control”;
- (b) in sub-paragraph (b) of paragraph (1), for “in his custody” substitute “under his control”;
- (c) in paragraph (2), for “in the custody of the proper officer” substitute “under the control of the GLRO”;
- (d) in paragraph (6), for “in his possession” substitute “under his control”;
- (e) in paragraph (8), for “the proper officer of any document in his possession” substitute “the GLRO of any document under his control”.

17. In rule 55 (public inspection and destruction of documents) in paragraph (1) for “retain for six months amongst the records of the Authority all documents relating to an election forwarded to him” substitute “retain or cause to be retained all documents relating to an election placed under his control”.

SCHEDULE 4

Rule 2(8)

AMENDMENTS TO THE FORMS IN SCHEDULE 5

1. In Form 4 after “an order under subsection (1)(b) of that section”, insert “, or any decision made under section 79 of the Local Government Act 2000”.

2. In Form 8 in paragraph 7 of the Instructions to the Voter, for “, the declaration of identity and the envelopes marked “A” and “B”” substitute “and the declaration of identity”.

3. In Form 9 in paragraph 9 of the Instructions to the Voter, after “the declaration of identity” omit “and the envelopes marked “A” and “B””.

4. After Form 9 insert—

“CMER rule 20

LMER rule 21

MER rule 21

Form 9A—Declaration of identity (GLA election combined with a relevant election or referendum)—(joint issue and receipt of postal ballots)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

Ballot Paper No(s).....

I hereby declare that I am the person to whom the ballot paper(s) numbered as above were sent.

Voter's signature (or mark)

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witnesses's signature (or mark).....

Name of witness.....

(WRITE CLEARLY)

Address of witness

(WRITE CLEARLY).....

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. That person should then sign (or mark) this declaration as a witness, and his or her name and address must be added. Without this the declaration will be invalid.

2. [*When you are voting in a Parliamentary/ London borough* election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only.]

3. [*When you are voting in a European Parliamentary election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the name of the party or individual candidate of your choice. Vote once only.]

4. When you are voting in a GLA election—

(a) [*in the constituency members election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only.]

(b) [*in the London members election (*[insert colour of ballot paper]* ballot paper), mark a cross (X) to the right of the name of the party or individual candidate of your choice. Vote once only.]

(c) [*in the London Mayoral election (*[insert colour of ballot paper]* ballot paper), vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.][#]

5. [*When you are voting in a *[specify]* election, mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only/ Vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE*.]

6. [*When you are voting in a referendum, mark a cross (X) to the right of the answer of your choice. Vote once only.]

7. Put no other mark on the ballot paper(s) or your vote(s) may not be counted.

8. Mark all votes secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

9. Put the ballot paper in the small envelope marked “A” and seal it. Then put the envelope, together with this declaration of identity, in the larger envelope marked “B”. Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll.

*Alternatively they may be returned to any of the following polling stations on polling day:

*[insert polling station(s).....],
or

*Alternatively they may be returned to any polling station in the following area:

*[specify area].

10. If you receive more than one ballot paper *relating to the same election or referendum*, remember that it is illegal to vote more than once (otherwise than as proxy) at that election or referendum.

11. At these elections [*and referendum] you cannot vote in person at a polling station, even if you receive an official poll card.

12. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this YOU MUST RETURN ALL OF THE POSTAL BALLOT PAPERS THAT YOU HAVE RECEIVED, together with the spoiled ballot paper(s). In addition, in your application for new ballot papers YOU MUST RETURN, the declaration of identity in your own envelope. Remember that there is little time available if new postal ballot papers are to be issued and counted.

**To be completed or omitted as appropriate by the returning officer responsible for the issue and receipt of ballot papers.*

Alternatively, insert such information as to the manner of voting as the GLRO may decide.

CMER rule 20

LMER rule 21

MER rule 21

9B—Declaration of identity (GLA election combined with a relevant election or referendum)—(separate issue and receipt of postal ballots)

Front of form

REPRESENTATION OF THE PEOPLE ACTS

To be returned with (*insert colour of ballot papers*) coloured ballot paper.

(*Insert colour of ballot paper*) coloured Ballot Paper No.....

I hereby declare that I am the person to whom the (*insert colour of ballot paper*) ballot paper(s) numbered as above was sent.

Voter’s signature (or mark)

The voter, who is personally known to me, has signed (or marked) this declaration in my presence.

Witness’ signature (or mark).....

Name of witness.....

(WRITE CLEARLY)

Address of witness

(WRITE CLEARLY).....

.....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

Back of form

INSTRUCTIONS TO THE VOTER

1. You must sign (or mark) this declaration of identity in the presence of a person known to you. [*You are required to do this even if you have already signed or marked a similar declaration of identity in respect of another election or referendum to be held on the same day.] The person known to you should then sign (or mark) this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. When you are voting in a GLA election—

- (a) [*in the constituency members election (*insert colour of ballot paper*) ballot paper), mark a cross (X) to the right of the name of the candidate of your choice. Vote for one candidate only.]
- (b) [*in the London members election (*insert colour of ballot paper*) ballot paper), mark a cross (X) to the right of the name of the party or individual candidate of your choice. Vote once only.]
- (c) [*in the London Mayoral election (*insert colour of ballot paper*) ballot paper), vote ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE. Put no other mark on the ballot paper or your vote may not be counted.][#]

3. Mark all votes secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

4. Different colours are used for the ballot papers for each election [*and referendum]. Each ballot paper has its own ballot paper envelope (the smaller envelope marked “A”), declaration of identity and covering envelope (the larger envelope marked “B”). The covering envelope and declaration of identity are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.

*Alternatively, they may be returned to any of the following polling stations on polling day:

*[insert polling station(s).....]
or

*Alternatively they may be returned to any polling station in the following area:
*[specify area].

If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election or referendum. You are entitled to vote at different elections and referendums which are held on the same day.

5. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

6. If you inadvertently spoil your postal ballot paper, you can apply to the returning officer for a new one. With your application you must return the spoiled ballot paper, and the declaration of identity, in your own envelope. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

** Complete or omit as appropriate.*

Alternatively, insert such information as to the manner of voting as the GLRO may decide."

5. Omit form 12 (Notice for guidance of voters (constituency members and Mayoral elections otherwise than at ordinary elections).

6. In Form 13 (notices for guidance of voters at ordinary elections (where there are more than two candidates for the office of Mayor) omit Notices A and B and for Notices D1 and D2 substitute—

“CMER rule 25

LMER rule 26

MER rule 26

Notice D1— Notice for guidance for voters, for display inside and outside polling stations, at a GLA election combined with another election or referendum

*“Form of directions for the guidance of voters in voting
for display inside and outside polling stations*

GUIDANCE FOR VOTERS AT COMBINED POLLS

1. Make sure the ballot papers you are given [are stamped with the official mark/ have the official mark*].

2. Go to one of the compartments.

3.—[*A. At the [Parliamentary/London borough election(s)*] mark a cross (X) in the box on the right hand side of each ballot paper opposite the name of each candidate for whom you are voting. [Vote once only/ Vote for no more than ... candidates.*]]

[*B. At the European Parliamentary election, mark a cross (X) in the box to the right of the party or individual candidate for whom you are voting. Vote once only.]

[C. At the Greater London Authority election—

[*(i) in the election for the constituency members of the London Assembly, **vote for ONE candidate only;**]

[*(ii) in the election of the London members of the London Assembly, **vote for ONE party or individual candidate only;**]

[*(iii) in the Mayoral election **VOTE ONCE FOR YOUR FIRST CHOICE AND ONCE FOR YOUR SECOND CHOICE.**]#]

[*D. At the [*Specify other*] election/referendum* [mark a cross (X) to the right of the candidate/the answer* for which you are voting][vote once only*][VOTE ONCE for your FIRST CHOICE and ONCE for your SECOND CHOICE.*]]

4. [Please do not fold the ballot papers for the [*specify the election(s) at which the votes are to be counted electronically*].*] [Fold [each/any other*] ballot paper(s) in two and show the official mark on [them/it] to the presiding officer.*] Do not let anyone see your vote. Put each ballot paper in the [*appropriate] ballot box and leave the polling station.

Include the words in the first set of square brackets, and, if applicable, the corresponding amendment in the following sentence, if the votes are to be counted electronically at one or more of the elections.

5. Vote only for the number of candidates specified on each ballot paper [and only one of the answers available in the referendum*]. Put no other mark on the ballot papers, or your votes may not be counted.

6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”

**Complete or omit as appropriate.*

Alternatively, insert such information as to the manner of voting as the GLRO may decide.”

CMER rule 26

LMER rule 27

MER rule 27

Notice D2—Notice for guidance of voters, for display inside polling booth at a GLA election combined with another election or referendum

use where votes are to be counted manually

“*PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote for one candidate only.

*EUROPEAN PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote for one party or individual candidate only.

*[*Specify name of council . . .*] COUNCIL ELECTION

([*Specify colour*] ballot paper)

*Vote for no more than candidates.

*Vote for one candidate only.

[#[*ELECTION OF THE MAYOR OF LONDON

([Specify colour] ballot paper)

On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.]

[*ELECTION OF THE LONDON ASSEMBLY

On the constituency members ballot paper [specify colour] vote for ONE candidate only.

On the London members ballot paper [specify colour] vote for ONE party or individual candidate only.]]

*[Specify other] ELECTION/REFERENDUM

([Specify colour] ballot paper)

*Vote for one candidate/ answer only./*Vote ONCE for your first choice and ONCE for your second choice.

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED.

**Complete or omit as appropriate.*

Alternatively, insert such information as to the manner of voting as the GLRO may decide.”

CMER rule 25

LMER rule 26

MER rule 26

Notice D3—Notice for guidance of voters for display inside polling stations at a GLA election combined with another election or referendum

use where votes at any of the polls are to be counted electronically

*PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

Vote for one candidate only.

*EUROPEAN PARLIAMENTARY ELECTION

([Specify colour] ballot paper)

Vote for one party or individual candidate only.

*[Specify name of council . . .] COUNCIL ELECTION

([Specify colour] ballot paper)

*Vote for no more than candidates.

*Vote for one candidate only.

[#[*ELECTION OF THE MAYOR OF LONDON

([Specify colour] ballot paper)

On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.]

[*ELECTION OF THE LONDON ASSEMBLY

On the constituency members ballot paper (*specify colour*) vote for ONE candidate only.

On the London members ballot paper (*specify colour*) vote for ONE party or individual candidate only.]]

*[*Specify other*] ELECTION/REFERENDUM

([*Specify colour*] ballot paper)

*Vote for one candidate/ answer only./ *Vote ONCE for your first choice and ONCE for your second choice.

PUT NO OTHER MARK ON THE BALLOT PAPERS, OR YOUR VOTE MAY NOT BE COUNTED.

*[**PLEASE DO NOT FOLD THE BALLOT PAPERS FOR** *specify the election(s) at which the votes are to be counted electronically*][**PLEASE DO NOT FOLD THE BALLOT PAPERS**]

Include the words in the first set of brackets if the votes at some of the polls are to be counted electronically. Include the words in the second set of brackets if the votes at all the polls are to be counted electronically.

Post them, face downwards, in the [*appropriate] ballot box.

**Complete or omit as appropriate.*

Alternatively, insert such information as to the manner of voting as the GLRO may decide.”.

7. In Form 15 (declaration to be made by the companion of a blind voter)–

- (a) for “blind voter” and “blind person” (wherever occurring) substitute “voter with disabilities”; and
- (b) after the Note at the end of the Form (which shall become Note 1), insert–

“2. A voter with disabilities is a voter who has made a declaration under the Greater London Authority Elections (No.2) Rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.”

8. After Form 15 insert—

“CMER rule 36(7)

LMER rule 37(7)

MER rule 37(7)

FORM 15A – Declaration to be made by the companion of a voter with disabilities at combined polls

State the relationship of the companion to the voter.

I, A.B., of.....having been requested to assist C.D. (in the case of a voter with disabilities voting as proxy add voting as proxy for M.N.) whose number on the register isto record his vote at the election[s]* and [*referendum[s]]* now being held in this *parliamentary constituency/*European Parliamentary constituency/*Greater London Authority constituency/*district/*London borough/*parish or community/*local government area (*delete those which are inappropriate) hereby declare that (I am entitled to vote as an elector at the said election[s]* *[and referendum[s]] (I am the #.....of the said voter and have attained the age of 18 years), and that I have not previously assisted any voter with disabilities (except E.F., of) to vote at the said elections.

(Signed, or marked) A.B.

day of 20..

I, the undersigned, being the presiding officer for the polling station in the constituency hereby certify that the above declaration, having been first read to the above-named declarant, was signed or marked by the declarant in my presence.

(Signed (or marked)) G.H.,

day of 20..
minutes past o'clock [a.m.][p.m.]

NOTE

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

9. Omit Form 16.

SCHEDULE 5

Rule 2(8)

New Schedules 8, 9, 10 and 11 to the GLA Elections Rules

The Schedules to be substituted for Schedule 8 to the GLA Elections Rules are—

“SCHEDULE 8

RULES FOR CONDUCT OF AN ELECTION OF CONSTITUENCY MEMBERS WHERE THE POLL IS TAKEN TOGETHER WITH THE POLL AT ANY OTHER ELECTION OR REFERENDUM

CONSTITUENCY MEMBERS ELECTION RULES

Arrangement of Rules

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General Provisions

1. Citation
2. Interpretation

PART II

Provisions as to Time

3. Timetable
4. Computation of time

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Stages Common to Contested and Uncontested Elections

5. Notice of election
6. Nomination of candidates and nomination papers
7. Consent to nomination
8. Deposits
9. Decisions as to validity of nomination papers
10. Publication of statement of persons nominated
11. Inspection of nomination papers and consent to nomination
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PART IV

Contested Elections—General

14. Poll to be taken by ballot
15. The ballot papers
16. The official mark
17. Prohibition of disclosure of vote
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21. Provision of polling stations

22. Appointment of presiding officers and clerks
23. Issue of official poll cards
24. Information for voters in election booklets
25. Equipment of polling stations
26. Notices for guidance of voters
27. Appointment of polling and counting agents
28. Notification of requirement of secrecy
29. Admission to polling station
30. Keeping of order in station
31. Sealing of ballot boxes
32. Questions to be put to voters
33. Challenge of voter
34. Voting procedure
35. Votes marked by presiding officer
36. Voting by persons with disabilities
37. Tendered ballot papers
38. Spoilt ballot papers
39. Adjournment of poll in case of riot
40. Procedure on close of poll
41. Attendance at counting of votes
42. The count
43. Rejected ballot papers
44. Decisions on ballot papers
45. Re-count
46. Equality of votes

PART V

Final Proceedings in Contested and Uncontested Elections

47. Declaration of result
48. Return or forfeiture of candidate's deposit

PART VI

Disposal of Documents

49. Sealing up of ballot papers
50. Delivery and retention of documents
51. Orders for production of documents
52. Retention, public inspection and destruction of documents

PART VII

Death of Candidate

53. Countermand or abandonment of poll on death of candidate
54. Effect of candidate being returned both as Mayor and constituency member

PART I

General Provisions

Citation

1. These Rules may be cited as the Constituency Members Election Rules.

Application and interpretation

2.—(1) The Constituency Members Election Rules as set out in this Schedule shall have effect for the purposes of the election of constituency members of the London Assembly (whether at an ordinary election or in the circumstances mentioned in section 10 of the 1999 Act (filling a vacancy in an Assembly constituency)) where that election is taken together with another poll—

- (a) at a parliamentary election, European parliamentary election or local government election (other than a GLA election), under section 15(1) or (2) of the Representation of the People Act 1985(a); or
- (b) at a local authority mayoral election or referendum in accordance with regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(b).

(2) In these Rules, unless the context indicates otherwise—

“the 1983 Act” means the Representation of the People Act 1983(c);

“the 1999 Act” means the Greater London Authority Act 1999(d);

“the appropriate form”, in relation to a particular rule, means the form set out in the Forms Schedule and indicated as applicable to that rule or, where more than one form is so set out, the form indicated as relevant to the particular case;

“the Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(e);

“constituency” means an Assembly constituency;

“constituency member” means a member for a constituency;

“CRO” (constituency returning officer), in relation to a constituency and an election means the person, or a person of the description, for the time being designated by an order made under section 35(2B) of the 1983 Act as the returning officer at the election of a constituency member for that constituency(f);

“counting observer” has the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001(g);

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

(a) 1985 c. 50.

(b) 2000 c. 22.

(c) 1983 c. 2.

(d) 1999 c. 29.

(e) S.I. 2004/294.

(f) See the Greater London Authority (Assembly Constituencies and Returning Officers) Order 1999 (S.I. 1999/3380).

(g) S.I. 2001/1298.

“election” and “Constituency Member election” mean an election of a constituency member of the London Assembly;

“election booklet” has the same meaning as in article 7 of the Greater London Authority Elections (Election Addresses) Order 2003(a);

“electoral area”, where the GLA election is held together with a referendum, includes a voting area where the referendum is held;

“European Parliamentary election” has the same meaning as in section 27(1) of the Representation of the People Act 1985(b);

“the Forms Schedule” means Schedule 5 to the GLA Elections Rules;

“GLA election” means an election, including an ordinary election, under one or more of—

- (a) the Constituency Members Election Rules;
- (b) the London Members Election Rules; or
- (c) the Mayoral Election Rules;

“GLRO” (Greater London returning officer) means the proper officer of the Greater London Authority for the purposes of section 35(2C) of the Representation of the People Act 1983(c);

“local authority mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(d);

“local counting area” has the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004(e);

“MER” means the Mayoral Election Rules;

“other election or referendum” means one or more of the following—

- (a) a Parliamentary election(f);
- (b) a European Parliamentary election;
- (c) a local government election(g) other than a GLA election;
- (d) a local authority mayoral election; and
- (e) a referendum;

the poll at which is taken together with the poll at the Constituency Member election;

“other GLA election” means a GLA election held other than under the Constituency Member Election Rules;

“petition organiser” has the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000(h);

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

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

“relevant election or referendum” means—

- (a) any other GLA election; and
- (b) any other election or referendum;

(a) S.I. 2003/1907.

(b) 1985 c. 50.

(c) See the definitions of “proper officer” in section 202 of the Representation of the People Act 1983, as substituted by the Greater London Authority Act 1999, Schedule 3, paragraph 38, and in section 424(1) and (2) of the latter Act. See also the definition of “Greater London returning officer” in section 29 of the latter Act.

(d) S.I. 2002/185.

(e) S.I. 2004/293.

(f) For the definition of “Parliamentary election”, see the Interpretation Act 1978 (c. 30), Schedule 1.

(g) For the definition of “local government election”, see section 203(1) of the Representation of the People Act 1983 (c. 2).

(h) S.I. 2000/2852.

(i) S.I. 2001/1298.

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

- (3) In the case of a referendum, a reference to a—
- (a) “candidate” shall be construed as a reference to a petition organiser;
 - (b) “election agent” shall be construed as a reference to a counting observer;
 - (c) “counting agent” shall be construed as a reference to a counting observer;
 - (d) “polling agent” shall be construed as a reference to a polling observer;
 - (e) “returning officer” shall be construed as a reference to a counting officer.
- (4) References in these Rules—
- (a) to the CRO include references to any person appointed by him under subsection (4) of section 35 (returning officers: local elections in England and Wales) of the 1983 Act;
 - (b) to the GLRO include references to any person appointed by him under that subsection; and
 - (c) to other expressions used both in these Rules and in Part I (the Greater London Authority) of the 1999 Act have the same meaning in these Rules as they have in that part.

PART II

Provisions As To Time

Timetable

3.—(1) Subject to paragraph (2), the proceedings at the election shall be conducted in accordance with the following Timetable—

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

(2) At a GLA election taken together with a European Parliamentary election the time specified for the delivery of nomination papers in paragraph (1) shall be not later than 4 in the afternoon on the nineteenth day before the day of election.

Computation of time

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

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

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

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

PART III

Stages Common to Contested and Uncontested Elections

Notice of election

5.—(1) The CRO shall publish notice of the election stating—

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

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

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

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

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

Nomination of candidates and nomination papers

6.—(1) Each candidate shall be nominated by a separate nomination paper, in the appropriate form, delivered at the place fixed for the purpose by the CRO, which shall be at the offices of a local authority within the constituency.

(2) The nomination paper shall state the candidate’s—

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

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

(3) The description, if any, which may not comprise more than six words, must consist of either—

- (a) that authorised as mentioned in paragraph (4); or
- (b) the word “Independent”.

(4) A nomination paper may not include a description of a candidate that is likely to lead voters to associate the candidate with a registered political party unless—

- (a) the party is a qualifying party in relation to the electoral area; and
- (b) the description is authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of the party, and
 - (ii) received by the CRO before the last time for the delivery of nomination papers.

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (4) on behalf of a registered political party’s nominating officer.

(6) In this rule, “registered political party” means a party which was registered under Part II (registration of political parties) of the Political Parties, Elections and Referendums Act 2000(b) at the time by which the notice of election is required to be published by virtue of rule 1 (“the relevant time”), and a registered political party is a qualifying party in relation to an electoral area

(a) 1971 c. 80.
(b) 2000 c. 41.

if, at the relevant time, it was registered in respect of England in the Great Britain register maintained under that Part.

Consent to nomination

7. A person shall not be validly nominated unless his consent to nomination—
- (a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
 - (b) is attested by one witness, whose full names and address are given; and
 - (c) is delivered at the place and within the time for delivery of nomination papers.

Deposits

8.—(1) A person shall not be validly nominated unless the sum of £1,000 is deposited by him or on his behalf with the CRO at the place and within the time for delivery of nomination papers.

- (2) The deposit may be made either—
- (a) by the deposit of any legal tender,
 - (b) by means of a banker's draft, or
 - (c) with the CRO's consent, in any other manner,

but the CRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit shall at the time he makes it give his name and address to the CRO (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

Decisions as to validity of nomination papers

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

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

(2) The CRO is entitled to hold a nomination paper invalid only on the grounds either—

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

(3) As soon as practicable after each nomination paper has been delivered, the CRO shall examine it and decide whether the candidate has been validly nominated.

(4) Where the CRO decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(5) The CRO shall, as soon as practicable after making such a decision as is mentioned in paragraph (4), send notice of it to the candidate at his home address as given in his nomination paper.

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

(7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

10.—(1) The CRO shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

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

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

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

Inspection of nomination papers and consent to nomination

11. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal of candidates

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

- (a) signed by him and attested by one witness, whose name and address shall be given; and
- (b) delivered to the CRO at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

13.—(1) If the number of persons remaining validly nominated for the constituency after any withdrawals under this Part exceeds one, a poll shall be taken in accordance with Part IV of these Rules.

(2) If, after any withdrawals under this Part, only one person remains validly nominated for the constituency, that person shall be declared to be elected in accordance with Part V.

PART IV

Contested Elections—General

Poll to be taken by ballot

14. The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate, and the candidate to whom more votes have been given than to the other candidates shall be declared to have been elected.

The ballot papers

15.—(1) The ballot of every voter shall consist of a ballot paper and the persons remaining validly nominated for the constituency after any withdrawals under Part III, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the appropriate form, and shall be printed in accordance with the directions in the Forms Schedule, and—

- (a) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back;
- (d) shall have attached a counterfoil with the same number printed on it; and
- (e) shall be of a different colour from that of ballot papers used at any other GLA election or other election or referendum.

(3) If a candidate who is the subject of a party's authorisation under rule 6(4) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(4) The request must—

- (a) be made in writing to the CRO, and
- (b) be received by him within the period for delivery of nomination papers set out in the Timetable in rule 3.

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

(6) At an ordinary election the ballot paper at the election held under these Rules shall include the heading "ELECTION OF [*insert name of constituency*] CONSTITUENCY MEMBER".

(7) Where, at an ordinary election at which two (or more) polls at the GLA election are to be taken together, the votes are to be counted electronically, the GLRO may determine that two or more ballot papers shall appear on the same sheet of paper.

(8) In a case to which paragraph (7) applies, the heading required by paragraph (6) shall appear below the heading "ELECTION OF THE LONDON ASSEMBLY" and before any heading "ELECTION OF LONDON MEMBER" required under the London Members Election Rules.

The official mark

16.—(1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at any Authority election.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

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

Use of schools and public rooms

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

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

(2) The CRO shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

(3) The use of a room in an unoccupied hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

Notice of poll

19.—(1) The CRO shall publish notice of the poll stating—

- (a) the day and hours fixed for the poll; and
- (b) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the candidates' names being the same as in the statement of persons nominated).

(2) The CRO shall, not later than the time of the publication of the notice of the poll, also give public notice of—

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

and he shall as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(3) The notices of poll at an ordinary election shall include the heading “GREATER LONDON AUTHORITY ELECTION”.

(4) The notice published under paragraph (2) shall—

- (a) state that the poll at the GLA election is to be taken together with the poll at a relevant election or referendum as the case may be;
- (b) specify the parliamentary constituency^(a), European Parliamentary local counting area, the relevant London borough or, as the case may be, voting area, and, in the case of an election to fill a casual vacancy, the electoral area, for which the relevant election or referendum is held, and
- (c) where the polls are to be taken together in part of the Borough only, specify that part.

Postal ballot papers

20.—(1) The CRO shall as soon as practicable send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity, together with an envelope for their return.

(2) The declaration of identity shall be in the appropriate form, or a form to the like effect.

(3) In place of the parts of the form specified in paragraph (4), the form may include such alternative information as the GLRO may decide, relating to—

- (a) the system of voting at the GLA election;
- (b) how many votes a voter has in each election;
- (c) the marks to be used, and the manner in which they should be used, in order to ensure that a vote is counted for any candidate,

(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

and which complies with paragraph 4 of Schedule 12 (as though that information were to be included in a notice).

(4) The parts of the form referred to in paragraph (3) are—

- (a) in the case of Form 9A, paragraph 4;
- (b) in the case of Form 9B, paragraph 2.

(5) Where the GLRO has decided to provide alternative information pursuant to paragraph (3), he shall notify the CRO of the information that shall appear in the form pursuant to paragraph (3), and where the CRO does not discharge the functions specified in regulation 5 of the Combination of Poll Regulations, the GLRO shall give such notification to the returning officer who does discharge those functions.

Provision of polling stations

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

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

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

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

Appointment of presiding officers and clerks

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

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

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by this Part 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

23.—(1) The CRO shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if he is entitled to vote by post as proxy at the election.

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

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

- (a) the name of the Assembly constituency for which a constituency member is to be elected;
- (b) the elector's name, qualifying address and number on the register;
- (c) the date and hours of the poll and the situation of the elector's polling station.

(4) At an ordinary election combined GLA election poll cards shall be issued in the appropriate form.

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

Information for voters in election booklets

24.—(1) At an ordinary election the GLRO may, in addition to a statement(a) by him in an election booklet, include in the booklet information for voters(b) that has been agreed by him with the Electoral Commission.

(2) The information for voters may be about—

- (a) the office of the Mayor and the Assembly;
- (b) the system of voting at each GLA election;
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast.

(3) The information for voters must not contain—

- (a) any advertising material;
- (b) any material referring to a candidate or a registered party other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election;
- (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

Equipment of polling stations

25.—(1) The CRO shall provide each presiding officer with such ballot boxes and ballot papers as in the CRO's opinion may be necessary.

(2) Every ballot box shall 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) At an ordinary election, the GLRO shall determine whether the ballot papers relating to the GLA elections shall be placed—

- (a) all into the same ballot box; or
- (b) into separate ballot boxes for each of the GLA elections.

(4) The CRO at an ordinary election may, if a determination has been made under paragraph (3) that ballot papers shall be placed into the same ballot box for all of the GLA elections, determine that the same ballot box be used for ballot papers at each other election or referendum with which the GLA elections are taken.

(5) Where separate ballot boxes are to be used for the Constituency Member election and a relevant election or referendums, each ballot box shall be clearly marked with—

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

(6) The CRO shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;

(a) See article 8(2) of the Greater London Authority Elections (Election Addresses) Order 2003 (S.I. 2003/1907).

(b) The election booklet may also include such other information as the GLRO is required or permitted by or under any enactment to publish in the booklet. See article 8(4) of the Greater London Authority Elections (Election Addresses) Order 2003.

- (c) copies of the register of electors for the constituency or such part of it as contains the names of the electors allotted to the station;
 - (d) the parts of any special lists prepared for the election corresponding to the register of electors for the constituency or the part of it provided under sub-paragraph (c).
- (7) The CRO shall also provide each polling station with—
- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially sighted; and
 - (b) 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 36.
- (8) The large version of the ballot paper referred to in paragraph 7(a) above shall be of the same colour as that of the ballot paper at the election.
- (9) The device referred to in paragraph 7(b) above 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) keep the ballot paper firmly in place during use; and
 - (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the candidate to whom each such space refers; and
 - (iii) mark his vote on the space he has chosen.
- (10) Notices for the guidance of voters shall be exhibited—
- (a) outside every polling station,
 - (b) inside every polling station, and
 - (c) in every compartment of every polling station.
- (11) The CRO may also provide copies of the notice mentioned in paragraph (10) in Braille or translated into such languages other than English as he considers appropriate, provided that those notices are accurate reproductions in Braille or that other language of that notice.
- (12) A notice under paragraph (11) may be exhibited, at the discretion of the CRO, at any polling station—
- (a) outside the polling station;
 - (b) inside the polling station;
 - (c) in every compartment of the polling station.

Notices for guidance of voters

26.—(1) Notices for the guidance of voters to be exhibited under rule 25(10) shall be in the appropriate form.

(2) In place of the parts specified in paragraph (3), the form may include such alternative information relating to the GLA election as—

- (a) meets with the requirements of Schedule 12; and
- (b) the GLRO shall decide.

(3) The parts of the form referred to in paragraph (2) are—

- (a) in the case of Notice D1 in Form 13, paragraph 3C;
- (b) in the case of Notices D2 and D3 in Form 13, the part from “ELECTION OF THE MAYOR OF LONDON” to “ONE party or individual candidate only.”.

(4) The GLRO shall provide each CRO with the notices to be exhibited under rule 25(10), except where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations.

(5) Where the GLRO has decided to provide alternative information pursuant to paragraph (2) and the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, the GLRO shall notify the returning officer who does discharge those functions of the information that shall appear in the form pursuant to paragraph (2).

Appointment of polling and counting agents

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

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

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

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

(4) The CRO may limit the number of counting agents, but in doing so shall ensure that—

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

(5) For the purposes of the calculations required by paragraph (4), a counting agent who has been appointed by more than one candidate is a separate agent for each of the candidates by whom he has been appointed.

(6) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the CRO and shall be so given not later than the fifth day (computed like any period of time in the Timetable) before the day of the poll. Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraphs (7) and (8) to be given to the CRO shall be given to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

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

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

(9) In the following provisions of this Part references to polling agents and counting agents shall be taken as references to agents—

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

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

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

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

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

Notification of requirement of secrecy

28. The CRO shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending 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 of the provisions of subsections (1), (3) and (6) of section 66(a) of the 1983 Act; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy of the provisions of subsections (2) and (6) of that section.

Admission to polling station

29.—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty;
- (e) the companions of voters with disabilities;
- (f) persons entitled to be admitted to the polling station at a relevant election or referendum; and
- (g) any person authorised by the Electoral Commission(b) to attend at polling stations as a representative of the Commission.

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

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

(4) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in station

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

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

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the CRO to remove him,

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

(a) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

(b) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

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

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

Sealing of ballot boxes

31. Immediately before the commencement of the poll, the presiding officer shall—

- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty;
- (b) lock up such of the boxes as have locks;
- (c) place his seal—
 - (i) on each lock; and
 - (ii) on each ballot box which has no lock,in such a manner as to prevent its being opened without breaking the seal;
- (d) place each box in his view for the receipt of ballot papers; and
- (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

32.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them—

- (a) in the case of a person applying as an elector—
 - (i) “Are you the person registered in the register of local government electors for this Constituency Member election as follows (*read the whole entry from the register*)?”; and
 - (ii) “Have you already voted at this Constituency Member election otherwise than as proxy for some other person?”;
- (b) in the case of a person applying as proxy—
 - (i) “Are you the person whose name appears as AB in the list of proxies for this Constituency Member election as entitled to vote as proxy on behalf of CD?”; and
 - (ii) “Have you already voted at this Constituency Member election as proxy on behalf of CD?”.

(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question—

“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of CD?”.

And, if that question is not answered in the affirmative, the following question—

“Have you already voted at this Constituency Member election on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”.

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

(4) Unless authorised by paragraph (1) or (2), no inquiry shall be permitted as to the right of any person to vote at the Constituency Member election.

Challenge of voter

33.—(1) If at any time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
- (b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

Voting procedure

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

- (a) the ballot paper shall be stamped with the official mark;
- (b) the number and name of the elector as stated in the copy of the register of electors shall be called out;
- (c) the number of the elector shall be marked on the counterfoil;
- (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (e) in the case of a person applying for a ballot paper as proxy, a mark shall be placed against his name in the list of proxies.

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

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

(4) At a Constituency Member election held together with the poll at a relevant election or referendum, the same copy of the register of electors which is used under paragraph (1) for the Constituency Member election may be used for each relevant election or referendum, and one mark may be placed in that register or in the list of proxies to denote that a ballot paper has been received in respect of each relevant election or referendum; except that where a ballot paper is not issued for a relevant election or referendum, a different mark shall be placed in the register or, as the case may be, list of proxies, so as to identify the election or referendum in respect of which the ballot paper was issued.

Votes marked by presiding officer

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

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

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

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these Rules called “the list of votes marked by the presiding officer”).

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

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

Voting by persons with disabilities

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

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

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

(2) If the presiding officer—

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

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

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

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

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

(5) At a Constituency Member election held with the poll at a relevant election or referendum, the same list may be used for the Constituency Member election and each relevant election or referendum, and where it is so used an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.

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

(7) The declaration made by the companion—

- (a) shall be in the appropriate form; and

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

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

Tendered ballot papers

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

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

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

(2) A tendered ballot paper shall—

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

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

(4) At a Constituency Member election held with the poll at a relevant election or referendum, the same list may be used for the Constituency Member election and each relevant election or referendum, and where it is so used an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

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

Spoilt ballot papers

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

Adjournment of poll in case of riot

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

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

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

(3) As soon as practicable after being informed of the adjournment of a poll, the CRO shall inform the GLRO of that fact and of the cause of its adjournment.

Procedure on close of poll

40.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents appointed for the purpose of the Constituency Member election and for each relevant election or referendum, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with any key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) the tendered votes list, the list of voters with disabilities voters 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 “physical incapacity” and “unable to read”, and the declarations made by the companions of voters with disabilities,

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

(2) Subject to paragraph (6), the contents of the packets referred to in paragraph (1)(b)(c) and (e) shall not be combined with the contents of the packets made under the corresponding rule that applies at a relevant election or referendum; nor shall the statement prepared under paragraph (5) be so combined.

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

(4) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(5) The packets shall be accompanied by a statement (“the ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

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

(6) Where at an ordinary election the GLRO determines, in accordance with rule 15(7), that ballot papers at the ordinary election shall be combined, ballot paper accounts in relation to the combined ballot papers shall also be combined.

Attendance at counting of votes

41.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations he shall—

- (a) make arrangements for—
 - (i) discharging the functions in rule 42(1)(the count) in the presence of the counting agents appointed for the purposes of the Constituency Member election and each relevant election or referendum as soon as practicable after the close of the poll, and
 - (ii) thereafter counting the votes at the election in the presence of those counting agents appointed for the purposes of the Constituency Member election; and

- (b) give to the counting agents appointed for the purposes of the Constituency Member election and each relevant election or referendum, notice in writing of the time and place at which he will begin to discharge the functions under rule 42(1).

(2) Where the CRO does not discharge the functions first mentioned in paragraph (1) he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and the CRO shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(3) No person other than a person entitled to be present at the counting of the votes at the Constituency Member election and at each relevant election or referendum may be present at the proceedings under rule 42(1) (the count), unless permitted by the CRO to attend.

(4) No person other than—

- (a) the CRO and his clerks,
- (b) the candidates and their husbands or wives,
- (c) the election agents,
- (d) the counting agents, and
- (e) any person authorised by the Electoral Commission^(a) to attend at the counting of the votes as a representative of the Commission,

may be present at the counting of the votes under paragraphs (2) to (15) of rule 42 unless permitted by the CRO to attend.

(5) A person not entitled to attend at the proceedings under rule 42(1) (the count) or the counting of the votes shall not be permitted to do so by the CRO unless the CRO—

- (a) is satisfied that the efficient separation and verification of the ballot papers or, as the case may be, the efficient counting of the votes will not be impeded, and
- (b) has either consulted the candidates or thought it impracticable to do so.

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

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

The count

42.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the Constituency Member election and each relevant election or referendum, open each ballot box and record separately the number of ballot papers used in the Constituency Member election and each relevant election or referendum;
- (b) in the presence of the election agents appointed for the purposes of the Constituency Member election and each relevant election or referendum verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the Constituency Member election and each relevant election or referendum;
- (d) separate the ballot papers relating to the Constituency Member election and each relevant election or referendum;

^(a) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

- (e) make up into packets the ballot papers for each other election or referendum (not including those for any GLA election) and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning officer for the other election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that other election or referendum; and
- (g) at the same time deliver to that officer the packets that so relate containing—
 - (i) the unused and spoiled ballot papers,
 - (ii) the tendered ballot papers, and
 - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

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

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

(4) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given by him in writing to the counting agents as that after which he will begin to count the votes and the place at which the count will take place if by then he has received the ballot papers, open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People Regulations 2001(a), or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(b), count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,

and paragraph (11) shall not apply to these proceedings.

(5) The CRO shall not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(6) Where separate ballot boxes are used for votes cast under these Rules and those cast at any relevant election or referendum, the ballot boxes from each polling station shall be opened together and the ballot papers counted and verified together.

(7) A postal ballot paper shall not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (8) and reaches the CRO or any polling station in the appropriate area before the close of the poll; and

(a) S.I. 2001/341, to which there are amendments not relevant to these Rules.

(b) 2000 c. 22. See the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (S.I. 2002/185) made under section 44 and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) made under section 45.

- (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (8), and reaches him or such a polling station before that time.
- (8) The manner in which any postal ballot paper or declaration of identity may be returned—
 - (a) to the CRO is by hand or post; and
 - (b) to a polling station is by hand.
- (9) The CRO shall not count any tendered ballot paper.
- (10) The CRO, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.
- (11) The CRO shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.
- (12) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that, subject to paragraph (13), he may exclude the hours between 5 in the afternoon and 10 on the following morning.
- (13) At an ordinary election the hours between 5 in the afternoon and 10 on the following morning may be excluded under paragraph (12) only with the prior consent of the GLRO.
- (14) During the time so excluded the CRO shall—
 - (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
 - (b) otherwise take proper precautions for the security of the papers and documents.
- (15) In paragraph (7) “polling station in the appropriate area” means a polling station—
 - (a) in the area which is common to the Assembly constituency, and parliamentary constituency^(a), local counting area, electoral area or voting area, as the case may be, in which the polls at the GLA election and a relevant election or referendum are being taken together; and
 - (b) in respect of which polls the voter has been issued with a postal ballot paper.

Rejected ballot papers

- 43.—(1) Any ballot paper—
- (a) which does not bear the official mark, or
 - (b) on which votes are given for more than one candidate, or
 - (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
 - (d) which is unmarked or void for uncertainty,
- shall, subject to paragraph (2), be void and not 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,
- shall not for such reason be void if an intention that the vote shall be for one only of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

(3) The CRO shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if any objection to his decision is made by a counting agent.

(4) The CRO shall draw up a statement showing the number of ballot papers rejected under the several heads of—

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

Decisions on ballot papers

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

Re-count

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

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

Equality of votes

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

PART 1

Final Proceedings in Contested and Uncontested Elections

Declaration of result

47.—(1) In a contested election, when the result of the poll has been ascertained, the CRO shall forthwith—

- (a) declare to be elected the candidate to whom the majority of votes has been given;
- (b) return his name and, if he was the candidate of a party, the name of that party, to the GLRO; and
- (c) give public notice of the name of the successful candidate and of the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

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

- (a) declare to be elected the person remaining validly nominated;
- (b) give notice to the GLRO—
 - (i) of the name of that person; and
 - (ii) if he was a candidate of a party, of the name of the party;

- (c) give public notice of the name of the person declared to be elected.
- (3) The CRO shall inform the proper officer^(a) of the Authority of the result of the election.
- (4) In this rule, “candidate of a party” means a person—
 - (a) who was the subject of an authorisation under rule 6(4); and
 - (b) whose particulars on the ballot paper included the party’s registered emblem (if any).

Return or forfeiture of candidate’s deposit

48.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 8 shall be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit shall be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day shall be disregarded if it would be disregarded under rule 3 in computing any period of time for the purposes of the timetable for an election of the kind in question; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(5) Where a poll is taken, if, after the counting of the votes by the CRO (including any re-count) is completed, the candidate is found not to have polled more than one-twentieth of the total number of votes polled by all the candidates, the deposit shall be forfeited to the Greater London Authority.

PART 2

Disposal of Documents

Sealing up of ballot papers

49.—(1) On the completion of the counting at a contested election the CRO shall seal up in separate packets the counted and rejected ballot papers.

(2) The CRO shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

Delivery and retention of documents

50.—(1) The CRO shall then transfer control to the GLRO of the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts, and
- (c) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.

^(a) For the definition of “proper officer” *see* section 424(1) and (2) of the Greater London Authority Act 1999 (c. 29). The functions of the proper officer of the Authority include that of being one of the persons to whom the declaration of acceptance of office by the duly elected Mayor or Assembly Member is to be made. *See* section 28 of that Act.

(2) The packets containing—

- (a) the marked copies of registers and of lists of proxies, and
- (b) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities,

shall be retained by the CRO.

(3) Any document which has been transferred to the control of the GLRO under this rule shall either—

- (a) be kept by the CRO on behalf of the GLRO; or
- (b) be forwarded by the CRO to the GLRO,

as the GLRO shall decide.

(4) At an election where the CRO does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (2) shall not apply.

Orders for production of documents

51.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers under the control of the GLRO; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers under his control,

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

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers under the control of the GLRO may be made by an election court.

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

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

as the court making the order think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

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

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

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

(6) Where an order is made for the production by the GLRO of any document under his control relating to any specified election—

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

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(8) Unless authorised by this rule, no person shall be allowed to inspect any rejected or counted ballot papers under the control of the GLRO or open any sealed packets of counterfoils and certificates.

Retention, public inspection and destruction of documents

52.—(1) The GLRO shall retain or cause to be retained for six months all documents relating to an election placed under his control in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall, until destroyed, be open to public inspection at such time and in such manner as the Authority may determine.

(3) The CRO shall keep for six months the documents retained by him in accordance with rule 50(2) and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(4) Those documents shall, until destroyed, be open to public inspection at all reasonable hours.

(5) The GLRO and the CRO may, on request, supply copies of or extracts from such of the documents in their possession or control as are open to public inspection on payment of such fees and subject to such conditions as may be determined by the Authority.

PART 3

Death of Candidate

Countermand or abandonment of poll on death of candidate

53.—(1) If at a contested election proof is given to the CRO's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, the CRO—

- (a) shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned;
- (b) shall inform the GLRO of the countermand or abandonment of the poll and of the name of the candidate who has died.

(2) The countermand of a poll or the direction that a poll be abandoned shall have effect only in relation to the election for the return of a constituency member to which the countermand or direction relates and shall not effect the poll at a relevant election or referendum.

(3) Where the poll at the Constituency Member election is abandoned by reason of a candidate's death—

- (a) no further ballot papers shall be delivered for the Constituency Member election in any polling station, except for any which are printed on the same sheet of paper as another ballot paper that is still to be delivered;
- (b) at the close of the poll for such polls as are not abandoned, the presiding officer shall take the like steps for the delivery to the CRO of ballot boxes and of papers and other documents as he would be required to do if the poll at the Constituency Member election had not been abandoned and the CRO shall deal with and dispose of the ballot papers used at the Constituency Member election as he would be required to do if the poll at the Constituency Member election had not been abandoned;

- (c) notwithstanding sub-paragraph (b)—
- (i) it shall not be necessary for any ballot paper account at that election to be prepared or verified;
 - (ii) the CRO shall separate the ballot papers relating to the Constituency Member election from those for a relevant election or referendum, except where such ballot papers are on the same sheet of paper;
 - (iii) the CRO shall take no step or further step for counting the ballot papers or the votes in the Constituency Member election, but without prejudice to counting of ballot papers and votes at any poll in respect of which the ballot paper is on the same sheet of paper;
 - (iv) where the ballot papers are not printed on the same sheet of paper as that of another ballot paper, the CRO shall seal up all of the ballot papers relating to the Constituency Member election, whether counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.
- (4) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate’s death, with the following modifications—
- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
 - (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

Effect of candidate being returned both as Mayor and constituency member

54. At an ordinary election, subsection (1) of section 39 (local elections void etc. in England and Wales) of the 1983 Act(a) shall apply in respect of any vacancy arising in an Assembly constituency in the circumstances mentioned in section 4(10) of the 1999 Act(b) as if the reference to the returning officer there were substituted a reference to the CRO.

SCHEDULE 9

Rule 3(2)

RULES FOR CONDUCT OF AN ELECTION OF LONDON MEMBERS OF THE LONDON ASSEMBLY WHERE THE POLL IS TAKEN TOGETHER WITH THE POLL AT ANY OTHER ELECTION OR REFERENDUM

THE LONDON MEMBERS ELECTION RULES

Arrangement of Rules

(a) 1983 c. 2. Subsection (1) of section 39 is amended by the Local Government Act 1985 (c. 51), Schedule 17, the Representation of the People Act 1985 (c. 50), section 19(2), and the Greater London Authority Act 1999 (c. 29) Schedule 3, paragraph 6. *See also* the definition of “local government area” in subsection (1) of section 203 of the Representation of the People Act 1983, as amended by the Greater London Authority Act 1999, Schedule 3, paragraph 39(4), and subsection (2) of that section, as substituted by paragraph 39(6) of that Schedule.

(b) 1999 c. 29.

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PART I

General Provisions

Citation

1. These Rules may be cited as the London Members Election Rules.

Interpretation

2.—(1) The London Members Election Rules as set out in this Schedule shall have effect for the purposes of the allocation of seats for London members of the London Assembly whether at an ordinary election or in the circumstances mentioned in section 10 of the 1999 Act (filling a vacancy in an Assembly constituency) where that election is taken together with another poll—

- (a) at a parliamentary election, European Parliamentary election or local government election (other than a GLA election), under section 15(1) or (2) of the Representation of the People Act 1985(a); or
- (b) at a local authority mayoral election or referendum, in accordance with regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(b).

(2) In these Rules, unless the context indicates otherwise—

“the 1983 Act” means the Representation of the People Act 1983(c);

“the 1999 Act” means the Greater London Authority Act 1999(d);

“the appropriate form” in relation to a particular rule, means the form set out in the Forms Schedule and indicated as applicable to that rule; or where more than one form is so set out, the form indicated as relevant to the particular case;

“the Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(e);

“CRO” (constituency returning officer), in relation to a constituency and an election means the person, or a person of the description, for the time being designated by an order made under section 35(2B) of the 1983 Act(f);

“counting observer” has the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001(g);

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

“election” and “London Members election” mean an election for the return of the London members at an ordinary election;

(a) 1985 c. 50.

(b) 2000 c. 22.

(c) 1983 c. 2.

(d) 1999 c. 29.

(e) S.I. 2004/294.

(f) See the Greater London Authority (Assembly Constituencies and Returning Officers) Order 1999 (S.I. 1999/3380).

(g) S.I. 2001/1298.

“election booklet” has the same meaning as in article 7 of the Greater London Authority Elections (Election Addresses) Order 2003(a);

“European Parliamentary election” has the same meaning as in section 27(1) of the Representation of the People Act 1985(b);

“the Forms Schedule” means Schedule 5 to the Greater London Authority Elections (No. 2) Rules 2000;

“GLA election” means an election, including an ordinary election, under one or more of—

(a) the Constituency Members Election Rules;

(b) the London Members Election Rules; or

(c) the Mayoral Election Rules;

“GLRO” (Greater London returning officer) has the same meaning as in Part I of the 1999 Act (see section 29 of that Act and section 35(2C) of the 1983 Act)(c);

“individual candidate” means a candidate other than a list candidate;

“list candidate” means a person included on a party list;

“local count” means the count of the London votes given for a registered political party or, as the case may be, an individual candidate, at an election in an Assembly constituency;

“local counting area” has the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004(d);

“local authority mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(e);

“London vote” has the same meaning as in Part I of the 1999 Act;

“other election or referendum” means one or more of the following—

(a) a Parliamentary election(f);

(b) a European Parliamentary election(g);

(c) a local government election(h) other than a GLA election;

(d) a local authority mayoral election; and

(e) a referendum;

the poll at which is taken together with the poll at the London Members election;

“other GLA election” means a GLA election held other than under the London Members Election Rules;

“party list” means a list submitted to the GLRO in accordance with paragraph 5 (party lists and individual candidates) of Part II of Schedule 2 to the 1999 Act on behalf of a party registered under Part II (registration of political parties) of the Political Parties, Elections and Referendums Act 2000;

“petition organiser” has the same meaning as in regulation 3 of the Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2000(i);

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

(a) S.I. 2003/1907.

(b) 1985 c. 50.

(c) See the definition of “Greater London returning officer” in section 29 of the Greater London Authority Act 1999. See also the definitions of “proper officer” in section 202 of the Representation of the People Act 1983, as substituted by the Greater London Authority Act 1999, Schedule 3, paragraph 38, and in section 424(1) and (2) of the latter Act.

(d) S.I. 2004/293.

(e) S.I. 2002/185.

(f) For the definition of “Parliamentary election”, see the Interpretation Act 1978 (c. 30), Schedule 1.

(g) For the definition of “European parliamentary election”, see the Representation of the People Act 1985 (c. 50), section 27(1).

(h) For the definition of “local government election”, see section 203(1) of the Representation of the People Act 1983 (c. 2).

(i) S.I. 2000/2852.

(j) S.I. 2001/1298.

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

“registered party”, in relation to an election, means a party which was registered under Part II (registration of political parties) of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of election is required to be published;

“relevant election or referendum” means—

- (a) any other GLA election; and
- (b) any other election or referendum;

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

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

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

(4) References in these Rules—

- (a) to “the GLRO” include references to any person appointed by him under subsection (4) of section 35 (returning officers: local elections in England and Wales) of the 1983 Act;
- (b) to the CRO include references to any person appointed by him under that subsection; and
- (c) to other expressions used both in these Rules and in Part I (the Greater London Authority) of the 1999 Act have the same meaning in these Rules as they have in that part.

PART II

Provisions as to Time

Timetable

3.—(1) Subject to paragraph (2), the proceedings at the election shall be conducted in accordance with the following Timetable—

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election
Publication of statement as to persons nominated	Not later than noon on the seventeenth day before the day of election
Delivery of notices of withdrawal of candidature	Not later than noon on the sixteenth day before the day of election
Notice of poll	Not later than the sixth day before the day of election
Polling	Between the hours of 7 in the morning and 10 at night on the day of election.

(2) At a GLA election taken together with a European Parliamentary election the time specified for the delivery of nomination papers in paragraph (1) shall be not later than 4 in the afternoon on the nineteenth day before the day of election.

(a) S.I. 2001/1298.

Computation of time

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

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

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

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

PART III

Stages Common to Contested and Uncontested Elections

Notice of election

5.—(1) The GLRO shall publish in each Assembly constituency notice of the election stating—

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

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

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

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

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

Nomination of candidates and nomination papers: individual candidates

6.—(1) Each individual candidate shall be nominated by a separate nomination paper which shall be in the appropriate form.

(2) The nomination paper of an individual candidate shall state the candidate’s—

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

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

(3) The description, if any, which may not comprise more than six words, must consist of either—

- (a) that authorised as mentioned in paragraph (4); or
- (b) the word “Independent”.

(4) A nomination paper may not include a description of a candidate that is likely to lead voters to associate the candidate with a registered party unless—

- (a) the party is a qualifying party in relation to the electoral area; and
- (b) the description is authorised by a certificate—

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

(a) 1971 c. 80.

(ii) received by the GLRO before the last time for the delivery of nomination papers.

(5) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (4) on behalf of a registered party's nominating officer.

(6) For the purposes of this rule, a registered party is a qualifying party in relation to an electoral area if, at the time by which the notice of election is required to be published by virtue of rule 1, it was registered in respect of England in the Great Britain register maintained under that Part.

Nomination of parties and nomination papers: list candidates

7.—(1) A registered party's list of candidates to be London members shall be in the appropriate form and that party shall be nominated by the submission of that list to the GLRO in accordance with paragraph (6) by the party's nominating officer or a person authorised in writing by him.

(2) Each party list shall set out the full names and home addresses in full of each candidate included in that list.

(3) Each party list shall include a statement that it is issued by the nominating officer of the party or by a person authorised in writing by him.

(4) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to make the statement required by paragraph (3) on behalf of a registered party's nominating officer.

(5) Each party list may be accompanied by a request made by or on behalf of the nominating officer of the party that the ballot paper shall contain, against the party's name, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(6) Each party list shall be delivered at the place fixed for the purpose by the GLRO, which shall be at the offices of the Greater London Authority.

(7) Where a nomination paper and list of candidates are delivered in respect of the same registered party after an earlier paper and list have been so delivered, that later paper and list shall be deemed to supersede the earlier ones.

(8) In the following provisions of these Rules, unless the context indicates otherwise—

- (a) any reference to a nomination paper includes a reference to a party list; and
- (b) a party list shall be treated as the nomination paper of each person whose name is included in the list.

Consent to nomination

8. A person shall not be validly nominated (whether as an individual candidate or a list candidate) unless his consent to nomination—

- (a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
- (b) contains a statement that he has read whichever of sub-paragraphs (5) and (6) of paragraph 5 of Schedule 2 to the 1999 Act (persons who may not be candidates) applies in his case;
- (c) is attested by one witness, whose name and address shall be given, and
- (d) is delivered at the place and within the time for delivery of nomination papers.

Deposits

9.—(1) A person shall not be validly nominated as an individual candidate at the election for the return of the London members unless the sum of £5,000 is deposited by him or on his behalf with the GLRO at the place and during the time for delivery of nomination papers.

(2) A person shall not be validly nominated as a list candidate at such election unless, as respects the party list on which his name appears, the sum of £5,000 is deposited as mentioned in paragraph (1).

(3) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker's draft, or
- (c) with the GLRO's consent, in any other manner,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(4) Where the deposit is made on behalf of an individual candidate, the person making the deposit shall at the time he makes it give his name and address to the GLRO (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

Decisions as to validity of nomination papers

10.—(1) Where an individual candidate's nomination paper ("individual nomination paper") and his consent to it are delivered and a deposit is made in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

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

(2) The GLRO is entitled to hold an individual nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the witness signing the paper are not as required by law; and
- (b) that the paper is not witnessed as so required.

(3) Where a party list and the consent of each candidate included in that list are delivered and a deposit is made in accordance with these Rules, that party and (subject to paragraph (5)) each candidate on its list shall be deemed to stand nominated unless and until the GLRO decides that the list is invalid.

(4) The GLRO is entitled to hold a party list invalid only on one of the following grounds—

- (a) that the name stated under paragraph (2) of rule 7 breaches that rule;
- (b) that the number of candidates on the list is greater than 25;
- (c) that the list does not contain the statement referred to in rule 7(3).

(5) Where, in respect of a candidate included in a party list—

- (a) proof is given to the GLRO's satisfaction of his death;
- (b) he withdraws or his candidature is withdrawn in accordance with rule 13;
- (c) his particulars in that list are not as required by law; or
- (d) the consent to nomination of that candidate is not delivered in accordance with rule 8,

the GLRO shall delete the name and address of that candidate from the list.

(6) As soon as practicable after each nomination paper has been delivered, the GLRO shall examine it and decide whether the individual candidate or, as the case may be, each candidate included in a party's list has been validly nominated.

(7) Where the GLRO decides—

- (a) that an individual nomination paper is invalid he shall endorse and sign on the paper the fact and the reasons for his decision;
- (b) that a party list is invalid or the name and address of a list candidate shall be deleted from the list, he shall endorse and sign on the list that fact and the reasons for his decision.

(8) The GLRO shall, as soon as practicable after making such a decision as is mentioned in paragraph (6) or (7), send notice of it—

- (a) to the candidate at his home address as given in his nomination paper, and
- (b) in the case of a list candidate, also to the nominating officer.

(9) The GLRO's decision that a nomination paper or a party list is valid shall be final and shall not be questioned in any proceeding whatsoever.

(10) Subject to paragraph (9), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

11.—(1) The GLRO shall prepare and publish a statement showing—

- (a) each registered party which has been and stands nominated, together with that party's list;
- (b) the persons who have been and stand nominated as individual candidates; and
- (c) any other parties or persons who have been nominated, together with the reason why they no longer stand nominated.

(2) The statement shall show, in the following order—

- (a) the registered parties which have been and stand nominated in alphabetical order with the name of the party as given in that list;
- (b) the names and home addresses of the list candidates as given in those lists, arranged in the order in which their names appear in those lists;
- (c) the names, addresses and descriptions of the persons standing nominated as individual candidates, arranged alphabetically in the order of their surnames and, if there are two or more of them with the same surname, of their other names.

(3) In the case of an individual candidate nominated by more than one nomination paper, the GLRO shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the GLRO in default of the candidate) may select.

Inspection of nomination papers and consent to nomination

12. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal or death of candidate

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

- (a) signed by him and attested by one witness, whose name and address shall be given, and
- (b) delivered to the GLRO at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

(3) If, before the date appointed for the poll, proof is given to the GLRO's satisfaction that one of the persons named or to be named as an individual candidate in the ballot papers, or whose name appears on a party list, has died, then the GLRO shall inform each CRO of that fact (in addition to complying with any other requirement of these Rules relevant to that event).

Method of election

14. If, after any withdrawals under rule 13, the number of persons remaining validly nominated exceeds the number of seats available for allocation to London members, then, unless all of those persons are named on the same party list, a poll shall be taken in accordance with Part IV of these Rules.

PART IV

Contested Elections: General Provisions

Poll to be taken by ballot

15. The votes at the poll shall be given by ballot to enable the seats for London members to be allocated to registered parties and individual candidates in accordance with paragraphs 7 and 8 of Part II of Schedule 2 to the 1999 Act.

The ballot papers

16.—(1) The ballot of every voter shall consist of a ballot paper which shall be in the appropriate form.

(2) After any withdrawals under Part III—

- (a) each registered party whose party list includes persons who remain validly nominated as list candidates; and
- (b) the persons remaining validly nominated as individual candidates at that election,

shall be entitled to have their names inserted in the ballot paper at that election.

(3) Every ballot paper—

- (a) shall be printed in accordance with the directions set out in the Forms Schedule;
- (b) shall contain the names of the registered parties; and the names and other particulars of the individual candidates;
- (c) shall be capable of being folded up;
- (d) shall have a number printed on the back;
- (e) shall have attached a counterfoil with the same number printed on it; and
- (f) shall be of a different colour from that of ballot papers used at any relevant election or referendum.

(4) If a request is made by or on behalf of a registered party's nominating officer, the ballot paper shall contain, above the party's name, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(5) If an individual candidate who is the subject of a registered party's authorisation under rule 6(4) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(6) The request must—

- (a) be made in writing to the GLRO, and
- (b) be received by him during the period for delivery of nomination papers set out in the Timetable in rule 3.

(7) After the names of the registered parties alphabetically arranged, the names of the individual candidates shall be arranged in order of their surnames and, if there are two or more of them with the same surname, of their other names.

(8) At an ordinary election the ballot paper at the election held under these Rules shall include the heading "ELECTION OF LONDON MEMBER".

(9) Where, at an ordinary election at which two (or more) polls at the GLA election are to be taken together, the votes are to be counted electronically, the GLRO may determine that two or more ballot papers shall appear on the same sheet of paper.

(10) In a case to which paragraph (9) applies, the heading required by paragraph (8) shall appear below the heading "ELECTION OF THE LONDON ASSEMBLY" and after any heading "ELECTION OF [*insert name of constituency*] CONSTITUENCY MEMBER" required under the Constituency Members Election Rules.

The official mark

17.—(1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at any Authority election.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

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

Use of schools and public rooms

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

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

(2) The CRO shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.

(3) The use of a room in an unoccupied hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

Notice of poll

20.—(1) The GLRO shall publish notice of the poll stating—

- (a) the day and hours fixed for the poll;
- (b) the number of seats for London members available for allocation at that election,
- (c) the names of each registered party whose party list includes persons who remain validly nominated as list candidates, and
- (d) particulars of each individual candidate remaining validly nominated,

and rule 16(7) shall apply in relation to the order in which names and particulars appear on the notice of the poll as they apply in relation to ballot papers.

(2) The CRO shall, not later than the time of the publication of the notice of the poll, also give public notice of—

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

and he shall as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(3) The notices of poll at an ordinary election shall include the heading “GREATER LONDON AUTHORITY ELECTION”.

(4) The notice published under paragraph (2) shall—

- (a) state that the poll at the GLA election is to be taken together with the poll at a relevant election or referendum as the case may be;

- (b) specify the parliamentary constituency^(a), European Parliamentary local counting area, the relevant London borough or, as the case may be, voting area, and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election or referendum is held; and
- (c) where the polls are to be taken together in part of the Borough only, specify that part.

Postal ballot papers

21.—(1) The CRO shall as soon as practicable send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity, together with an envelope for their return.

(2) The declaration of identity shall be in the appropriate form, or a form to the like effect.

(3) In place of the parts of the form specified in paragraph (4), the form may include such alternative information as the GLRO may decide, relating to—

- (a) the system of voting at the GLA election;
- (b) how many votes a voter has in each election;
- (c) the marks to be used, and the manner in which they should be used, in order to ensure that a vote is counted for any candidate,

and which complies with paragraph 4 of Schedule 12 (as though that information were to be included in a notice).

(4) The parts of the form referred to in paragraph (3) are—

- (a) in the case of Form 9A, paragraph 4;
- (b) in the case of Form 9B, paragraph 2.

(5) Where the GLRO has decided to provide alternative information pursuant to paragraph (3), he shall notify the CRO of the information that shall appear in the form pursuant to paragraph (3), and where the CRO does not discharge the functions specified in regulation 5 of the Combination of Poll Regulations, the GLRO shall give such notification to the returning officer who does discharge those functions.

Provision of polling stations

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

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

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

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

Appointment of presiding officers and clerks

23.—(1) The CRO shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed in or about the election by or on behalf of a candidate or a registered party which has submitted a party list.

^(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

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

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by this Part 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

24.—(1) The CRO shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

- (a) as an elector if he is placed on the absent voters list for the election; or
- (b) as a proxy if he is entitled to vote by post as proxy at the election.

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

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

- (a) that the election is of the London members of the London Assembly at an ordinary election,
- (b) the elector's name, qualifying address and number on the register; and
- (c) the date and hours of the poll and the situation of the elector's polling station.

(4) At an ordinary election combined GLA election poll cards shall be issued in the appropriate form.

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

Information for voters in election booklets

25.—(1) At an ordinary election the GLRO may, in addition to a statement(a) by him in an election booklet, include in the booklet information for voters(b) that has been agreed by him with the Electoral Commission.

(2) The information for voters may be about—

- (a) the office of the Mayor and the Assembly;
- (b) the system of voting at each GLA election;
- (c) how to vote in a manner that will ensure a vote is regarded as validly cast.

(3) The information for voters must not contain—

- (a) any advertising material;
- (b) any material referring to a candidate or a registered party other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election;
- (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.

(4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

(a) See article 8(2) of the Greater London Authority Elections (Election Addresses) Order 2003 (S.I. 2003/1907).

(b) The election booklet may also include such other information as the GLRO is required or permitted by or under any enactment to publish in the booklet. See article 8(4) of the Greater London Authority Elections (Election Addresses) Order 2003 (S.I. 2003/1907).

Equipment of polling stations

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

(2) Every ballot box shall 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) At an ordinary election, the GLRO shall determine whether the ballot papers relating to the GLA elections shall be placed—

- (a) all into the same ballot box; or
- (b) into separate ballot boxes for each of the GLA elections.

(4) The CRO at an ordinary election may, if a determination has been made under paragraph (3) that ballot papers shall be placed into the same ballot box for all of the GLA elections, determine that the same ballot box be used for ballot papers at each other election or referendum with which the GLA elections are taken.

(5) Where separate ballot boxes are to be used for the London Member election and a relevant election or referendum, each ballot box shall be clearly marked with—

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

(6) The CRO shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors for the constituency or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors for the constituency or the part of it provided under sub-paragraph (c).

(7) The CRO shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) 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 37.

(8) The large version of the ballot paper referred to in paragraph 7(a) above shall be of the same colour as that of the ballot paper at the election.

(9) The device referred to in paragraph 7(b) above 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) keep the ballot paper firmly in place during use; and
- (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the candidate to whom each such space refers; and
 - (iii) mark his vote on the space he has chosen.

(10) Notices for the guidance of voters shall be exhibited—

- (a) outside every polling station,
- (b) inside every polling station, and
- (c) in every compartment of every polling station.

(11) The CRO may also provide copies of the notice mentioned in paragraph (10) in Braille or translated into such languages other than English as he considers appropriate, provided that those notices are accurate reproductions in Braille or that other language of that notice.

(12) A notice under paragraph (11) may be exhibited, at the discretion of the CRO, at any polling station—

- (a) outside the polling station;
- (b) inside the polling station;
- (c) in every compartment of the polling station.

(13) Where there is an election for the return of the London members at an ordinary election, there shall be exhibited in the appropriate form inside each polling station a notice listing the candidates nominated by the registered political parties.

Notices for guidance of voters

27.—(1) Notices for the guidance of voters to be exhibited under rule 26(10) shall be in the appropriate form.

(2) In place of the parts specified in paragraph (3), the form may include such alternative information relating to the GLA election as—

- (a) meets with the requirements of Schedule 12; and
- (b) the GLRO shall decide.

(3) The parts of the form referred to in paragraph (2) are—

- (a) in the case of Notice D1 in Form 13, paragraph 3C;
- (b) in the case of Notices D2 and D3 in Form 13, the part from “ELECTION OF THE MAYOR OF LONDON” to “ONE party or individual candidate only.”.

(4) The GLRO shall provide each CRO with the notices to be exhibited under rule 26(10), except where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations.

(5) Where the GLRO has decided to provide alternative information pursuant to paragraph (2) and the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, the GLRO shall notify the returning officer who does discharge those functions of the information that shall appear in the form pursuant to paragraph (2).

Appointment of polling and counting agents

28.—(1) Subject to paragraphs (3) to (5), before the commencement of the poll—

- (a) each individual candidate; and
- (b) the election agent of each list candidate,

may appoint polling agents to attend at polling stations for the purpose of detecting personation; and counting agents to attend at the local count.

(2) The same person may be appointed as a polling agent or counting agent by, or in the case of list candidates on behalf of, more than one candidate.

(3) For each local count, one (but no more than one) counting agent of each registered party standing nominated or individual candidate, as the case may be, may be authorised by the terms of his appointment to require a re-count at that count.

(4) Not more than four polling agents, or such greater number as the CRO may by notice allow, shall be permitted to attend at any particular polling station.

(5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO shall determine by lot which agents are permitted to attend, and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(6) The CRO may limit the number of counting agents, but in doing so shall ensure that—

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

(7) For the purposes of the calculations required by paragraph (6)—

- (a) a counting agent appointed for more than one list candidate shall be deemed to be appointed for all the candidates on that list; and
- (b) a counting agent appointed for more than one candidate (other than a list candidate) is a separate agent for each of the candidates for whom he has been appointed;

(8) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate, or as the case may be, the election agent, to the CRO and shall be so given not later than the fifth day (computed like any period of time in the Timetable in rule 3) before the day of the poll. Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraphs (9) and (10) to be given to the CRO shall be given to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(9) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and shall forthwith give to the CRO notice in writing of the name and address of that other person.

(10) Any appointment for a candidate (other than a list candidate) authorised by this rule may be made and the notice of appointment given to the CRO 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 shall be taken as references to agents—

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

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

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

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

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

Notification of requirement of secrecy

29. The CRO shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy of the provisions of subsections (1), (3) and (6) of section 66(a) of the Representation of the People Act 1983(b); and

(a) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50).
(b) 1983 c. 2.

- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy of the provisions of subsections (2) and (6) of that section.

Admission to polling station

30.—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty;
- (e) the companions of voters with disabilities;
- (f) persons entitled to be admitted to the polling station at a relevant election or referendum; and
- (g) any person authorised by the Electoral Commission^(a) to attend at polling stations as a representative of the Commission

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

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

(4) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in station

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

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

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the CRO to remove him,

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

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

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

Sealing of ballot boxes

32. Immediately before the commencement of the poll, the presiding officer shall—

- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty;
- (b) lock up such of the boxes as have locks;

^(a) The Electoral Commission is established pursuant to section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

- (c) place his seal—
 - (i) on each lock; and
 - (ii) on each ballot box which has no lock;
- (d) in such a manner as to prevent its being opened without breaking the seal;
- (e) place each box in his view for the receipt of ballot papers; and
- (f) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

33.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them—

- (a) in the case of a person applying as an elector—
 - (i) “Are you the person registered in the register of local government electors for this London Members election as follows?” (*read the whole entry from the register*);
 - (ii) “Have you already voted at this London Members election otherwise than as proxy for some other person?”;
- (b) in the case of a person applying as proxy—
 - (i) “Are you the person whose name appears as AB in the list of proxies for this London Members election as entitled to vote as proxy on behalf of CD?”;
 - (ii) “Have you already voted at this London Members election as proxy on behalf of CD?”.

(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question—

“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of CD?”

and if that question is not answered in the affirmative the following question—

“Have you already voted at this London Members election on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”

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

(4) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote at the London Members election.

Challenge of voter

34.—(1) If at any time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
- (b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

Voting procedure

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

- (a) the ballot paper shall be stamped with the official mark;
- (b) the number and name of the elector as stated in the copy of the register of electors shall be called out;
- (c) the number of the elector shall be marked on the counterfoil;
- (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (e) in the case of a person applying for a ballot paper as proxy, a mark shall be placed against his name in the list of proxies.

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

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

(4) At a London Members election held with the poll at a relevant election or referendum, the same copy of the register of electors which is used under paragraph (1) for the London Members election may be used for each relevant election or referendum, and one mark may be placed in that register or in the list of proxies to denote that a ballot paper has been received in respect of each relevant election or referendum; except that where a ballot paper is not issued for each relevant election or referendum, a different mark shall be placed in the register or, as the case may be, list of proxies, so as to identify the election or referendum in respect of which the ballot paper was issued.

Votes marked by presiding officer

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

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

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

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

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

(4) At a London Members election held with the poll at a relevant election or referendum, the same list may be used for the London Members election and each relevant election or referendum, and where it is so used an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so marked.

Voting by persons with disabilities

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

- (a) blindness or other physical incapacity, or

(b) inability to read,

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

(2) If the presiding officer—

(a) is satisfied that the voter is so incapacitated, and

(b) is also satisfied by a written declaration made by the companion (in these Rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—

(i) is a qualified person within the meaning of these Rules; and

(ii) has not previously assisted more than one voter with disabilities to vote at the election,

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

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

(a) is a person who is entitled to vote as an elector at the election; or

(b) is the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.

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

(5) At a London Members election held with the poll at a relevant election or referendum, the same list may be used for the London Members election and each relevant election or referendum, and where it is so used an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.

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

(7) The declaration made by the companion—

(a) shall be in the appropriate form; and

(b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

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

Tendered ballot papers

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

(a) a particular elector named on the register and not named in the absent voters list, or

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

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

(2) A tendered ballot paper shall—

(a) be of a colour different from the other ballot papers;

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

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

(4) At a London Members election held with the poll at a relevant election or referendum, the same list may be used for the London Members election and each relevant election or referendum, and where it is so used an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which a tendered ballot paper was marked.

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

Spoilt ballot papers

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

Adjournment of poll in case of riot

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

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

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

(3) As soon as practicable after being informed of the adjournment of a poll, the CRO shall inform the GLRO of that fact and of the cause of its adjournment.

Procedure on close of poll

41.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents appointed for the purpose of the London Members election and for each relevant election or referendum, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
- (f) 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 “physical incapacity” and “unable to read”, and the declarations made by the companions of voters with disabilities,

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

(2) Subject to paragraph (6), the contents of the packets referred to in sub-paragraphs (b), (c) and (e) of paragraph (1) shall not be combined with the contents of the packets made under the corresponding rule that applies at a relevant election or referendum; nor shall the statement prepared under paragraph (5) be so combined.

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

(4) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(5) The packets shall be accompanied by a statement ("ballot paper account") showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

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

(6) Where at an ordinary election the GLRO determines, in accordance with rule 16(9), that ballot papers at the ordinary election shall be on the same sheet of paper, ballot paper accounts in relation to the ballot papers on the same sheet of paper shall also be combined.

Attendance at local count

42.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations he shall—

- (a) make arrangements for—
 - (i) discharging the functions in rule 43(1)(the local count) in the presence of the counting agents appointed for the purposes of the London Members election and each relevant election or referendum as soon as practicable after the close of the poll, and
 - (ii) thereafter counting the votes at the election in the presence of those counting agents appointed for the purposes of the London Members election; and
- (b) give to the counting agents appointed for the purposes of the London Members election and each relevant election or referendum, notice in writing of the time and place at which he will begin to discharge the functions under rule 43(1).

(2) Where the CRO does not discharge the functions first mentioned in paragraph (1), he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and the CRO shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(3) No person other than a person entitled to be present at the counting of the votes at the London Members election or a relevant election or referendum may be present at the proceedings under rule 43(1) (the local count), unless permitted by the CRO to attend.

- (4) No person other than—
 - (a) the CRO and his clerks,
 - (b) the candidates and their husbands or wives,
 - (c) the election agents,
 - (d) the counting agents, and

(e) any person authorised by the Electoral Commission^(a) to attend at the counting of the votes as a representative of the Commission, may be present at the counting of the votes under paragraphs (2) to (15) of rule 43, unless permitted by the CRO to attend.

(5) A person not entitled to attend at the proceedings under rule 43(1) (the local count) or the counting of the votes shall not be permitted to do so by the CRO unless the CRO—

- (a) is satisfied that the efficient separation and verification of the ballot papers or, as the case may be, the efficient counting of the votes will not be impeded, and
- (b) has either consulted the candidates or thought it impracticable to do so.

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

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

The local count

43.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

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

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

^(a) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

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

(4) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given by him in writing to the counting agents as that after which he will begin to count the votes and the place at which the count will take place if by then he has received the ballot papers, open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People Regulations 2001(a), or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(b), count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,

and paragraph (11) shall not apply to these proceedings.

(5) The CRO shall not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(6) Where separate ballot boxes are used for votes cast under these Rules, and those cast at any relevant election or referendum, the ballot boxes from each polling station shall be opened together and the ballot papers (but not necessarily the votes on them) counted and verified together.

(7) A postal ballot paper shall not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (8) and reaches the CRO or any polling station in the appropriate area before the close of the poll; and
- (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (8), and reaches him or such a polling station before that time.

(8) The manner in which any postal ballot paper or declaration of identity may be returned—

- (a) to the CRO is by hand, or post;
- (b) to a polling station, is by hand.

(9) The CRO shall not count any tendered ballot paper.

(10) The CRO, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(11) The CRO shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(a) S.I. 2001/341, to which there are amendments not relevant to these Rules.

(b) 2000 c. 22. See the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (S.I. 2002/185) made under section 44 and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) made under section 45.

(12) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 5 in the afternoon and 10 on the following morning.

(13) At an ordinary election the hours between 5 in the afternoon and 10 on the following morning may be excluded under paragraph (12) only with the prior consent of the GLRO.

(14) During the time so excluded the CRO shall—

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

(15) A “polling station in the appropriate area” in paragraph (7) means a polling station—

- (a) in the area common to the Assembly constituency, and parliamentary constituency^(a), local counting area, electoral area and voting area, as the case may be in which the polls at the GLA election and a relevant election or referendum are being taken together; and
- (b) in respect of which polls the voter has been issued with a postal ballot paper.

Rejected ballot papers

44.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more than one party or individual candidate, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to paragraph (2), be void and not 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,

shall not for such reason be void if an intention that the vote shall be for one only of the party or individual candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) The CRO shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if any objection to his decision is made by a counting agent.

(4) The CRO shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of an official mark;
- (b) voting for more than one party or individual candidate;
- (c) writing or mark by which the voter could be identified;
- (d) unmarked or void for uncertainty,

and shall, as soon as practicable after its completion, inform the GLRO of its contents.

Decision on ballot papers

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

^(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

Re-count

46.—(1) A candidate or his election agent (including, in the case of a list candidate, the election agent for that list) or a counting agent authorised under rule 28(3) may, if present when the counting or any re-count of the votes is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents and counting agents authorised under rule 28(3) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Procedure at conclusion of local count

47.—(1) As soon as practicable after the conclusion of the local count (including any re-count), the CRO shall draw up a statement showing—

- (a) the total number of votes cast;
- (b) the total number of votes rejected under rule 44;
- (c) the number of votes given for each registered party by whom a party list was submitted; and
- (d) the number of votes cast for each individual candidate.

(2) As soon as practicable after completion of the statement, the CRO shall inform the GLRO of its contents.

(3) As soon as practicable after the GLRO has authorised him to do so, the CRO shall—

- (a) inform such of the candidates and their election agents as are then present of the content of the statements prepared in accordance with rule 44 and paragraph (1) of this rule; and
- (b) give public notice of the contents of those statements.

Attendance at allocation of seats

48.—(1) The GLRO shall make arrangements for making the allocation of seats in the presence of the election agents of the individual candidates (including, in the case of a list candidate, the election agent for that list); and he shall give to those agents notice in writing of the time and place at which he will begin the allocation.

(2) No person other than—

- (a) the GLRO and his clerks,
- (b) the candidates,
- (c) the election agents,
- (d) the nominating officers of those registered parties standing nominated at the election, and
- (e) any person authorised by the Electoral Commission^(a) to attend at the counting of the votes as a representative of the Commission,

may be present at an allocation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend an allocation shall not be permitted to do so by the GLRO unless the GLRO—

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

^(a) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

The calculation

49.—(1) As soon as the GLRO has received from every CRO the information required by rule 47 he shall calculate the London figure for each registered party by which a party list has been submitted for that election, and for each individual candidate.

(2) If at a contested election proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named as an individual candidate in the ballot papers, or whose name appears on a party list, has died, then the GLRO shall make the calculation referred to in paragraph (1) without regard to that candidate.

(3) As soon as the GLRO has ascertained the result of the calculation, he shall inform such of the election agents for the candidates as are then present of the relevant figures and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(4) Where information of the description mentioned in paragraph (5)(e) is given in accordance with paragraph (3), the GLRO shall provide the persons to whom it was given with a statement containing—

- (a) the names of the persons concerned; and
- (b) with respect to each such person, the name of the party from whose list his name has been omitted or treated as omitted, and the reason therefor.

(5) In this rule, “the relevant figures” means—

- (a) the number of London votes given in the Assembly constituencies for each registered party by which a party list has been submitted for that election; and for each individual candidate at that election;
- (b) in respect of each party by whom a party list has been submitted, the number of successful candidates to be constituency members—
 - (i) who were the subject of that party's authorisation under rule 6(4) of the Constituency Members Election Rules; and
 - (ii) whose particulars on the ballot paper included the party's registered emblem or, as the case may be, one of the party's registered emblems;
- (c) the calculation of the London figure;
- (d) any recalculation required by paragraph 8(3), or carried out in the circumstances mentioned in paragraph 8(8), of Schedule 2 to the 1999 Act; and
- (e) the number of persons whose names have been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) who are to be treated as ceasing to be on, a party list.

PART V

Final Proceedings in Contested and Uncontested Elections

Declaration of result

50.—(1) The GLRO shall declare the allocation of the seats for London members and, where seats are allocated to a registered party, the names of the persons on the party list who, in accordance with paragraph 8(5) of Schedule 2 to the 1999 Act, are to fill those seats.

(2) The GLRO shall give public notice of—

- (a) the registered parties to which seats for London members have been allocated and the names of the list candidates by whom those seats are to be filled;
- (b) the names of the successful individual candidates;
- (c) the total number of London votes given for each registered party and each individual candidate;
- (d) the total number of candidates of registered parties returned as constituency members;

- (e) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers;
- (f) the name of every person included on a party list who has been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) is to be treated as ceasing to be on, that list, together with the reason for the omission or cessation, as the case may be; and
- (g) where rule 49(2) applies, and without prejudice to sub-paragraph (f), the name of the deceased candidate.

Return or forfeiture of candidate's deposit

51.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 shall be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit shall be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day shall be disregarded if it would be disregarded under rule 3 in computing any period of time for the purposes of the timetable for an election of the kind in question; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof has been given to the GLRO before the allocation of seats of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(5) Where a poll is taken, if, after the declaration under rule 50, a candidate or registered party is found not to have polled more than one-fortieth of the total number of votes polled by all the candidates and registered parties, the deposit shall be forfeited to the Greater London Authority.

PART VI

Disposal of Documents

Sealing up of ballot papers

52.—(1) On the completion of the counting at a contested election the CRO shall seal up in separate packets the counted and rejected ballot papers.

(2) The CRO shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

Delivery and retention of documents

53.—(1) The CRO shall then transfer control to the GLRO of the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts, and
- (c) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.

(2) The CRO shall retain the packets containing—

- (a) the marked copies of registers and of lists of proxies, and

- (b) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities.

(3) Any document which has been transferred to the control of the GLRO under this rule shall either—

- (a) be kept by the CRO on behalf of the GLRO; or
- (b) be forwarded by the CRO to the GLRO,

as the GLRO shall decide.

(4) At an election where the CRO does not discharge the functions referred to in regulation 5 of the Combination of Polls Regulations, paragraph (2) shall not apply.

Orders for production of documents

54.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers under the control of the GLRO; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers under his control,

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

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the custody of the GLRO may be made by an election court.

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

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

as the court making the order think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

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

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

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

(6) Where an order is made for the production by the GLRO of any document under his control relating to any specified election—

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

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot

paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers under the control of the GLRO or open any sealed packets of counterfoils and certificates.

Public inspection and destruction of documents

55.—(1) The GLRO shall retain or cause to be retained for six months all documents relating to an election placed under his control in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall, until destroyed, be open to public inspection at such time and in such manner as the Authority may determine.

(3) The CRO shall keep for six months the documents retained by him in accordance with rule 53 and then, unless otherwise directed by an order of a county or an election court, shall cause them to be destroyed.

(4) Those documents shall, until destroyed, be open to public inspection at all reasonable hours.

(5) The GLRO and the CRO may, on request, supply copies of or extracts from such of the documents in their possession or control as are open to public inspection on payment of such fees and subject to such conditions as may be determined by the Authority.

PART VII

List Candidates and the Filling of Vacancies

Interpretation of Part VII

56. In this Part—

“dual candidate” means a person—

- (a) whose name, subject to rule 57, falls to be notified as mentioned in subsection (6) of section 11 of the 1999 Act; and
- (b) who is a candidate (otherwise than at an ordinary election) for election—
 - (i) as the Mayor of London; or
 - (ii) as a constituency member;

“nominating officer”, in relation to a registered party and a vacancy in the office of a London member, means the person who holds that office in the party at the time at which the vacancy arises; and

“paragraph (1) notice” has the meaning given by rule 58(1).

Removal from party list on election as Mayor or constituency member

57.—(1) Where a person whose name is for the time being included in a party list is elected (otherwise than at an ordinary election)—

- (a) as the Mayor of London; or
- (b) as a constituency member,

his name shall be removed from that list.

(2) For the purposes of this Part, the name of a person to whom paragraph (1) applies shall be treated as ceasing to be included in the list from the date on which he is returned as the Mayor or a constituency member, as the case may be (even if his return is void).

Notification of vacancy

58.—(1) As soon as the office of a London member who was returned from a registered party's list becomes vacant, the GLRO shall simultaneously give or send to—

- (a) the party's nominating officer; and
- (b) the person whose name would, in accordance with subsection (6) of section 11 of the 1999 Act (filling a vacancy among the London members) (and on the assumption that he satisfies the conditions in subsection (4)), be so notified,

written notice ("paragraph (1) notice") of the matters specified in paragraph (2).

(2) The matters specified in this paragraph are—

- (a) the vacancy;
- (b) that the nominating officer may, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, give the notice referred to in subsection (5)(b) of section 11 of the 1999 Act; and
- (c) that the person must, by notice in writing delivered to the GLRO not later than one month after the date of the paragraph (1) notice, indicate whichever of the following apply to him—
 - (i) that he is willing to serve as a London member ("notice of willingness");
 - (ii) that he is not willing to serve as a London member; and
 - (iii) that he is a dual candidate.

(3) The GLRO shall not notify the Chair of the Assembly as mentioned in section 11(3) of the 1999 Act until—

- (a) the period mentioned in paragraph (2)(b) has elapsed; and
- (b) he has received a notice of willingness; and
- (c) if the person by whom notice of willingness has been given is a dual candidate, the result of the election at which he is a Mayoral or constituency member candidate has been declared.

Unwilling candidate or objection by registered party

59. Where the GLRO receives a notice under rule 58(2)(c)(ii) or section 11(5)(b) of the 1999 Act he shall again send a paragraph (1) notice, but with the substitution, for the name of the person to whom the first such notice was sent, of the name of the person who, on the same assumption, would be the next person whose name would be notified in accordance with section 11(6) of that Act; and so on until, in respect of such a person—

- (a) no notice is given under section 11(5)(b) of that Act; and
- (b) a notice of willingness has been received.

Acceptance of office and further notification

60.—(1) As soon as practicable after the GLRO has identified the person who is to fill the vacancy, he shall invite him to attend at his office to sign the declaration of acceptance of office.

(2) In a case to which subsection (3) of section 11 of the 1999 Act applies, as soon as practicable after the declaration of acceptance of office has been signed, the GLRO shall notify the Chair of the Assembly as mentioned in that subsection.

PART VIII

Declarations as to Election Expenses

Declarations as to election expenses

61.—(1) Subject to paragraph (2), the form of the declaration required by subsection (1) (declaration by agent) of section 82 (declarations as to election expenses) of the 1983 Act in the circumstances mentioned in subsection (2A)(a) of that section shall be that set out in Part I of Form 17 of the Forms Schedule.

(2) In a case to which subsection (5A) of section 82 of the 1983 Act applies, the declaration referred to in paragraph (1) shall be modified as specified in Part II of Form 17.

(3) Subject to paragraph (4), the form of the declaration required by subsection (2) (declaration by candidate) of section 82 (declarations as to election expenses) of the 1983 Act in the circumstances mentioned in subsection (2A)(b) of that section shall be that set out in Part I of the Form 18 of the Forms Schedule.

(4) In a case to which subsection (5A) of section 82 of the 1983 Act applies, the declaration referred to in paragraph (3) shall be modified as specified in Part II of Form 18.

SCHEDULE 10

RULES FOR CONDUCT OF AN ELECTION OF THE MAYOR OF LONDON WHERE THE POLL IS TAKEN TOGETHER WITH THE POLL AT ANY OTHER ELECTION OR REFERENDUM

MAYORAL ELECTION RULES

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6. Nomination of candidates and nomination papers
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11. Publication of statement of persons nominated
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PART IV
Contested Elections

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17. The official mark
18. Prohibition of disclosure of vote
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PART I

General Provisions

Citation

1. These Rules may be cited as the Mayoral Election Rules.

Application and interpretation

2.—(1) The Mayoral Election Rules as set out in this Schedule shall have effect for the purposes of the election of the Mayor of London at an ordinary election, and any election under subsection (2) of section 16 (filling a vacancy in the office of Mayor(a)) of the 1999 Act, where that election is taken together with another poll—

(a) See also section 16(9) of the Greater London Authority Act 1999 for the circumstances in which a vacancy in the office of Mayor is to be left unfilled

- (a) at a parliamentary election, European Parliamentary election or local government election (other than a GLA election), under section 15(1) or (2) of the Representation of the People Act 1985(a); or
- (b) at a local authority mayoral election or referendum in accordance with regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(b).

(2) In these Rules, unless the context indicates otherwise—

“the 1983 Act” means the Representation of the People Act 1983(c);

“the 1999 Act” means the Greater London Authority Act 1999(d);

“the appropriate form” in relation to a particular rule, means the form set out in the Forms Schedule and indicated as applicable to that rule; or where more than one form is so set out, the form indicated as relevant to the particular case;

“candidate” means a candidate to be the Mayor;

“the Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(e);

“constituency” means an Assembly constituency;

“CRO” (constituency returning officer), in relation to a constituency and an election means the person, or a person of the description, for the time being designated by an order made under section 35(2B) of the 1983 Act(f);

“counting observer” has the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001(g);

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

“election” and “Mayoral election” mean an election for the return of the Mayor;

“election booklet” has the same meaning as in article 7 of the Greater London Authority Elections (Election Addresses) Order 2003(h);

“European Parliamentary election” has the same meaning as in section 27(1) of the Representation of the People Act 1985(i);

“the Forms Schedule” means Schedule 5 to the Greater London Authority Elections (No 2) Rules 2000;

“GLA election” means an election, including an ordinary election, under one or more of—

- (a) the Constituency Members Election Rules;
- (b) the London Members Election Rules; or
- (c) the Mayoral Election Rules;

“GLRO” (Greater London returning officer) has the same meaning as in Part I of the 1999 Act (see section 29 of that Act and section 35(2C) of the 1983 Act)(j);

“local authority mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(k);

(a) 1985 c. 50.

(b) 2000 c. 22.

(c) 1983 c. 2.

(d) 1999 c. 29.

(e) S.I. 2004/294.

(f) See the Greater London Authority (Assembly Constituencies and Returning Officers) Order 1999 (S.I. 1999/3380).

(g) S.I. 2001/1298.

(h) S.I. 2003/1907.

(i) 1985 c. 50.

(j) See the definition of “Greater London returning officer” in section 29 of the Greater London Authority Act 1999. See also the definitions of “proper officer” in section 202 of the Representation of the People Act 1983, as substituted by the Greater London Authority Act 1999, Schedule 3, paragraph 38, and in section 424(1) and (2) of the latter Act.

(k) S.I. 2002/185.

“local counting area” has the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004(a);

“Mayor” means the Mayor of London;

“other election or referendum” means one or more of the following—

- (a) a Parliamentary election(b);
- (b) a European parliamentary election(c);
- (c) a local government election(d) other than a GLA election;
- (d) a local authority mayoral election; and
- (e) a referendum;

the poll at which is taken together with the poll at the Mayoral election;

“other GLA election” means a GLA election held other than under the Mayoral Election Rules;

“petition organiser” has the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) Regulations 2000(e);

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

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

“relevant election or referendum” means—

- (a) any other GLA election; and
- (b) any other election or referendum;

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

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

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

(4) References in these Rules—

- (a) to “the GLRO” include references to any person appointed by him under subsection (4) of section 35 (returning officers: local elections in England and Wales) of the 1983 Act; and
- (b) to “the CRO” include references to any person appointed by him under that subsection.

(5) Other expressions used both in these Rules and in Part I (the Greater London Authority) of the 1999 Act have the same meaning in these Rules as they have in that Part.

(a) S.I. 2004/293.

(b) For the definition of “Parliamentary election”, *see* the Interpretation Act 1978 (c. 30), Schedule 1.

(c) For the definition of “European parliamentary election”, *see* the Representation of the People Act 1985 (c. 50), section 27(1).

(d) For the definition of “local government election” *see* the Representation of the People Act 1983 (c. 2), section 203(1).

(e) S.I. 2000/2852.

(f) S.I. 2001/1298.

PART II

Provisions as to Time

Timetable

3.—(1) Subject to paragraph (2), the proceedings at the election shall be conducted in accordance with the following Timetable:

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers	Not later than noon on the nineteenth day before the day of election
Publication of statement as to persons nominated	Not later than noon on the seventeenth day before the day of election
Delivery of notices of withdrawal of candidature	Not later than noon on the sixteenth day before the day of election
Notice of poll	Not later than the sixth day before the day of election
Polling	Between the hours of 7 in the morning and 10 at night on the day of election.

(2) At a GLA election taken together with a European Parliamentary election the time specified for the delivery of nomination papers in paragraph (1) shall be not later than 4 in the afternoon on the nineteenth day before the day of election.

Computation of time

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

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

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

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

PART III

Stages Common to Contested and Uncontested Elections

Notice of election

5.—(1) The GLRO shall publish in each Assembly constituency notice of the election stating—

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

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

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

(a) 1971 c. 80.

- (a) applications to vote by post or proxy, and
 - (b) other applications and notices about postal or proxy voting,
- must reach the electoral registration officer in order that they may be effective for the election.

Nomination of candidates and nomination papers

6.—(1) Each candidate shall be nominated by a separate nomination paper.

(2) A nomination paper shall be in the appropriate form and shall be delivered at the place fixed for the purpose by the GLRO, which shall be at the offices of the Greater London Authority.

(3) A nomination paper shall state the candidate's—

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

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

(4) The description, if any, which may not comprise more than six words, must consist of either—

- (a) that authorised as mentioned in paragraph (5); or
- (b) the word “Independent”.

(5) A nomination paper may not include a description of a candidate that is likely to lead voters to associate the candidate with a registered political party unless—

- (a) the party is a qualifying party in relation to the electoral area; and
- (b) the description is authorised by a certificate—
 - (i) issued by or on behalf of the registered nomination officer of the party, and
 - (ii) received by the GLRO before the last time for the delivery of nomination papers.

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

(7) In this rule, “registered political party” means a party which was registered under Part II (registration of political parties) of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of election is required to be published by virtue of rule 1 (“the relevant time”); and a registered political party is a qualifying party in relation to an electoral area if, at the relevant time, it was registered in respect of England in the Great Britain register maintained under that Part.

Subscription of nomination papers

7.—(1) The nomination paper of a candidate shall be subscribed by at least 330 persons each of whom is entitled to a mayoral vote; and, in relation to those subscribers, the election and each London borough and the City, at least ten of the subscribers shall be electors who are ordinarily resident in the borough or, as the case may be, the City.

(2) Where a nomination paper has the signatures of more than the required number of persons as assenting to the nomination of a candidate, the signatures (up to the required number) appearing first on the paper shall be taken into account to the exclusion of any others.

(3) The nomination paper shall give the electoral number of each person subscribing it.

(4) The GLRO—

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

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

(5) In this rule—

“elector” means a person—

- (a) who is registered as a local government elector for any Assembly constituency in the register to be used at the election; or
- (b) who, pending publication of that register, appears from the electors lists for that register, as corrected by the registration officer, to be entitled to be so registered,

and accordingly includes a person shown in the register of electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll, but not otherwise; and

“electoral number” means—

- (a) a person’s number in that register; or
- (b) pending publication of the register, his number (if any) in the electors list for that register.

Consent to nomination

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

- (a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
- (b) is attested by one witness, and
- (c) is delivered at the place and within the time for delivery of nomination papers.

Deposits

9.—(1) A person shall not be validly nominated as a candidate unless the sum of £10,000 is deposited by him, or on his behalf, with the GLRO at the place and during the time for delivery of nomination papers.

(2) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker’s draft, or
- (c) with the GLRO’s consent, in any other manner,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker’s draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit shall at the time he makes it give his name and address to the GLRO (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

Decisions as to validity of nomination papers

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

- (a) the GLRO decides that the nomination paper is invalid, or
- (b) proof is given to the GLRO’s satisfaction of the candidate’s death, or
- (c) the candidate withdraws.

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

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

(3) As soon as practicable after each nomination paper has been delivered, the GLRO shall examine it and decide whether the candidate has been validly nominated.

(4) Where the GLRO decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(5) The GLRO shall, as soon as practicable after making such a decision as is mentioned in paragraph (3) or (4), send notice of it to the candidate at his home address as given in his nomination paper.

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

(7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

11.—(1) The GLRO shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

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

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

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

Inspection of nomination papers and consent to nomination

12. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal of candidature

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

- (a) signed by him and attested by one witness, whose name and address shall be given; and
- (b) delivered to the GLRO at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration, also so signed, of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

14. If, after any withdrawals under rule 13—

- (a) more than two candidates remain validly nominated, a poll shall be taken in accordance with Parts IV and V of these Rules,
- (b) only two candidates remain validly nominated, a poll shall be taken in accordance with Part IV;

- (c) only one candidate remains validly nominated, that person shall be declared to be elected in accordance with Part VI.

PART IV

Contested Elections

Poll to be taken by ballot

- 15. The votes at the poll shall be given by ballot.

The ballot papers

16.—(1) The ballot of every person entitled to a mayoral vote at the election shall consist of a ballot paper.

(2) The persons remaining validly nominated for election to the office of Mayor, after any withdrawals, and no others, shall be entitled to have their names inserted in the ballot paper at that election.

(3) Every ballot paper shall be in the appropriate form, printed in accordance with the directions set out in the Forms Schedule, and—

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

(4) If a candidate who is the subject of a party's authorisation under rule 6(5) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(5) The request must—

- (a) be made in writing to the GLRO, and
- (b) be received by him during the period for delivery of nomination papers set out in the Timetable in rule 3.

(6) The names of the candidates shall be arranged alphabetically in order of their surnames and, if there are two or more of them with the same surname, of their other names.

(7) At an ordinary election the ballot paper at the election held under these Rules shall include the heading "ELECTION OF MAYOR".

(8) Where, at an ordinary election at which two (or more) polls at the GLA election are to be taken together, the votes are to be counted electronically, the GLRO may determine that two or more ballot papers shall appear on the same sheet of paper.

The official mark

17.—(1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than five years shall intervene between the use of the same official mark at any Authority election.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used as the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

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

Use of schools and public rooms

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

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

(2) The use of a room in an unoccupied hereditament for that purpose or those purposes does not render a person liable to any payment by way of council tax or non-domestic rate in respect of that hereditament and any day on which it is so used.

(3) Paragraph (4) applies in relation to an election to fill a vacancy in the office of the Mayor.

(4) In a case to which this paragraph applies, this rule shall have effect with the addition of the following—

“(2A) The CRO shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as is mentioned in paragraph (1) by reason of its being used for the purpose of taking the poll or counting the votes.”

Notice of poll

20.—(1) The GLRO shall publish notice of the poll stating—

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

and paragraph (6) of rule 16 shall apply in relation to the order in which names and particulars appear on the notice of the poll as they apply in relation to ballot papers.

(2) The CRO shall, not later than the time of the publication of the notice of the poll, also give public notice of—

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

and he shall as soon as practicable after giving such a notice give a copy of it to each of the election agents.

(3) The notices of poll at an ordinary election shall include the heading “GREATER LONDON AUTHORITY ELECTION”.

(4) The notice published under paragraph (2) shall—

- (a) state that the poll at the GLA election is to be taken together with the poll at a relevant election or referendum as the case may be;
- (b) specify the parliamentary constituency^(a), European Parliamentary local counting area, the relevant London borough or, as the case may be, voting area, and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election or referendum is held; and
- (c) where the polls are to be taken together in part of the Borough only, specify that part.

^(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

Postal ballot papers

21.—(1) The CRO shall as soon as practicable send to those entitled to vote by post, at the addresses shown in the absent voters list, a ballot paper and a declaration of identity, together with an envelope for their return.

(2) The declaration of identity shall be in the appropriate form, or a form to the like effect.

(3) In place of the parts of the form specified in paragraph (4), the form may include such alternative information as the GLRO may decide, relating to—

- (a) the system of voting at the GLA election;
- (b) how many votes a voter has in each election;
- (c) the marks to be used, and the manner in which they should be used, in order to ensure that a vote is counted for any candidate,

and which complies with paragraph 4 of Schedule 12 (as though that information were to be included in a notice).

(4) The parts of the form referred to in paragraph (3) are—

- (a) in the case of Form 9A, paragraph 4;
- (b) in the case of Form 9B, paragraph 2.

(5) Where the GLRO has decided to provide alternative information pursuant to paragraph (3), he shall notify the CRO of the information that shall appear in the form pursuant to paragraph (3), and where the CRO does not discharge the functions specified in regulation 5 of the Combination of Poll Regulations, the GLRO shall give such notification to the returning officer who does discharge those functions.

Provision of polling stations

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

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

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

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

Appointment of presiding officers and clerks

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

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

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by this Part 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

24.—(1) The CRO shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

- (a) as an elector if he is placed on the absent voters list for the election; or
 - (b) as a proxy if he is entitled to vote by post as proxy at the election.
- (2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.
- (3) The official poll card shall be in the appropriate form, or a form to the like effect, and shall set out—
- (a) that the election is a mayoral election,
 - (b) the elector's name, qualifying address and number on the register; and
 - (c) the date and hours of the poll and the situation of the elector's polling station.
- (4) At an ordinary election combined GLA election poll cards shall be issued in the appropriate form.
- (5) If the CRO and the returning officer for every other election or referendum think fit, an official poll card issued under this rule may be combined with the official poll card issued at every other election or referendum.

Information for voters in election booklets

- 25.**—(1) At an ordinary election the GLRO may, in addition to a statement(a) by him in an election booklet, include in the booklet information for voters(b) that has been agreed by him with the Electoral Commission.
- (2) The information for voters may be about—
- (a) the office of the Mayor and the Assembly;
 - (b) the system of voting at each GLA election;
 - (c) how to vote in a manner that will ensure a vote is regarded as validly cast.
- (3) The information for voters must not contain—
- (a) any advertising material;
 - (b) any material referring to a candidate or a registered party other than by reproduction of a ballot paper which refers equally to all candidates and parties at the ordinary election;
 - (c) any material referring to the holder, at any time, of the office of Mayor or Assembly member, other than under paragraph (b) as a candidate at the ordinary election.
- (4) Information published in an election booklet under this rule must be printed on not more than two sides of A5 paper.

Equipment of polling stations

- 26.**—(1) The CRO shall provide each presiding officer with such ballot boxes and ballot papers as in the CRO's opinion may be necessary.
- (2) Every ballot box shall 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) At an ordinary election, the GLRO shall determine whether the ballot papers relating to the GLA elections shall be placed—
- (a) all into the same ballot box; or
 - (b) into separate ballot boxes for each of the GLA elections.

(a) See article 8(2) of the Greater London Authority Elections (Election Addresses) Order 2003 (S.I.2003/1907).
 (b) The election booklet may also include such other information as the GLRO is required or permitted by or under any enactment to publish in the booklet. See article 8(4) of the Greater London Authority Elections (Election Addresses) Order 2003.

(4) The CRO at an ordinary election may, if a determination has been made under paragraph (3) that ballot papers shall be placed into the same ballot box for all of the GLA elections, determine that the same ballot box be used for ballot papers at each other election or referendum with which the GLA elections are taken.

(5) Where separate ballot boxes are to be used for the Mayoral election and a relevant election or referendum, each ballot box shall be clearly marked with—

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

(6) The CRO shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) instruments for stamping on them the official mark;
- (c) copies of the register of electors for the constituency or such part of it as contains the names of the electors allotted to the station;
- (d) the parts of any special lists prepared for the election corresponding to the register of electors for the constituency or the part of it provided under sub-paragraph (c).

(7) The CRO shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially sighted; and
- (b) 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 37.

(8) The large version of the ballot paper referred to in paragraph 7(a) above shall be of the same colour as that of the ballot paper at the election.

(9) The device referred to in paragraph 7(b) above 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) keep the ballot paper firmly in place during use; and
- (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the candidate to whom each such space refers; and
 - (iii) mark his vote on the space he has chosen.

(10) Notices for the guidance of voters shall be exhibited—

- (a) outside every polling station,
- (b) inside every polling station, and
- (c) in every compartment of every polling station.

(11) The CRO may also provide copies of the notice mentioned in paragraph (10) in Braille or translated into such languages other than English as he considers appropriate, provided that those notices are accurate reproductions in Braille or that other language of that notice.

(12) A notice under paragraph (11) may be exhibited, at the discretion of the CRO, at any polling station—

- (a) outside the polling station;
- (b) inside the polling station;
- (c) in every compartment of the polling station.

Notices for guidance of voters

27.—(1) Notices for the guidance of voters to be exhibited under rule 26(10) shall be in appropriate form.

(2) In place of the parts specified in paragraph (3), the form may include such alternative information relating to the GLA election as—

- (a) meets with the requirements of Schedule 12; and
- (b) the GLRO shall decide.

(3) The parts of the form referred to in paragraph (2) are—

- (a) in the case of Notice D1 in Form 13, paragraph 3C;
- (b) in the case of Notices D2 and D3 in Form 13, the part from “ELECTION OF THE MAYOR OF LONDON” to “ONE party or individual candidate only.”.

(4) The GLRO shall provide each CRO with the notices to be exhibited under rule 26(10), except where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations.

(5) Where the GLRO has decided to provide alternative information pursuant to paragraph (2) and the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, the GLRO shall notify the returning officer who does discharge those functions of the information that shall appear in the form pursuant to paragraph (2).

Appointment of polling and counting agents

28.—(1) Subject to paragraphs (3) to (5), before the commencement of the poll each candidate may appoint polling agents to attend at polling stations for the purpose of detecting personation; and counting agents to attend at the mayoral count.

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

(3) For each local count one (but no more than one) counting agent of each candidate may be authorised by the terms of his appointment to require a re-count at that count.

(4) Not more than four polling agents, or such greater number as the CRO may by notice allow, shall be permitted to attend at any particular polling station.

(5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO shall determine by lot which agents are permitted to attend, and only the agents on whom the lot falls shall be deemed to have been duly appointed.

(6) The CRO may limit the number of counting agents, but in doing so shall ensure that—

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

(7) For the purposes of the calculations required by paragraph (6), a counting agent appointed for more than one candidate is a separate agent for each of the candidates for whom he has been appointed.

(8) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate or, as the case may be, the election agent, to the CRO and shall be so given not later than the fifth day (computed like any period of time in the Timetable in rule 3) before the day of the poll. Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraphs (9) and (10) to be given to the CRO shall be given to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

(9) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and shall forthwith give to the CRO notice in writing of the name and address of that other person.

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

(11) In the following provisions of this Part references to polling agents and counting agents shall be taken as reference 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 CRO may be delivered at, or sent by post to, the address stated in the notice of appointment.

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

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

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

Notification of requirement of secrecy

29. The CRO shall make such arrangements as he thinks fit to ensure that—

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

Admission to polling station

30.—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks and technical assistants appointed to attend at the polling station;
- (d) the constables on duty;
- (e) the companions of voters with disabilities;
- (f) persons entitled to be admitted to the polling station at a relevant election or referendum; and
- (g) any person authorised by the Electoral Commission(b) to attend at polling stations as a representative of the Commission

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

(3) A constable or person employed by the CRO shall not be admitted to vote in person elsewhere than at his own polling station allotted to him under these Rules, except on production and surrender of a certificate as to his employment which shall be in the appropriate form, or a

(a) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Representation of the People Act 1985 (c. 50).

(b) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

form to the like effect, and signed by an officer of the police of or above the rank of inspector or by the CRO, as the case may be.

(4) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in station

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

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

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the CRO to remove him,

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

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

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

Sealing of ballot boxes

32. Immediately before the commencement of the poll, the presiding officer shall—

- (a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty;
- (b) lock up such of the boxes as have locks;
- (c) place his seal—
 - (i) on each lock; and
 - (ii) on each ballot box which has no lock,in such a manner as to prevent its being opened without breaking the seal;
- (d) place each box in his view for the receipt of ballot papers; and
- (e) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

33.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them—

- (a) in the case of a person applying as an elector—
 - (i) “Are you the person registered in the register of local government electors for this Mayoral election as follows?”; (*read the whole entry from the register*)
 - (ii) “Have you already voted at this Mayoral election otherwise than as proxy for some other person?”; and
- (b) in the case of a person applying as proxy—
 - (i) “Are you the person whose name appears as AB in the list of proxies for this Mayoral election as entitled to vote as proxy on behalf of CD?”;
 - (ii) “Have you already voted at this Mayoral election as proxy on behalf of CD?”.

(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question—

“Are you the husband [wife], parent, grandparent, brother, [sister], child or grandchild of CD?”

and if that question is not answered in the affirmative the following question—

“Have you already voted at this Mayoral election on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”

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

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

Challenge of voter

34.—(1) If at any time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

(a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and

(b) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

Voting procedure

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

(a) the ballot paper shall be stamped with the official mark;

(b) the number and name of the elector as stated in the copy of the register of electors shall be called out;

(c) the number of the elector shall be marked on the counterfoil;

(d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and

(e) in the case of a person applying for a ballot paper as proxy, a mark shall be placed against his name in the list of proxies.

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

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

(4) At a Mayoral election held with the poll at a relevant election or referendum, the same copy of the register of electors which is used under paragraph (1) for the Mayoral election may be used for each relevant election or referendum, and one mark may be placed in that register or in the list of proxies to denote that a ballot paper has been received in respect of each relevant election or referendum; except that where a ballot paper is not issued for each relevant election or referendum, a different mark shall be placed in the register or, as the case may be, list of proxies, so as to identify the election or referendum in respect of which the ballot paper was issued.

Votes marked by presiding officer

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

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

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

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

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

(4) At a Mayoral election held with the poll at a relevant election or referendum, the same list may be used for the Mayoral election and each relevant election or referendum, and where it is so used an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so marked.

Voting by persons with disabilities

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

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

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

(2) If the presiding officer—

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

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

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

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

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

(5) At a Mayoral election held with the poll at a relevant election or referendum, the same list may be used for the Mayoral election and each relevant election or referendum, and where it is so

used an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election or referendum, unless the list identifies the election or referendum at which the vote was so given.

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

(7) The declaration made by the companion—

(a) shall be in the appropriate form; and

(b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

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

Tendered ballot papers

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

(a) a particular elector named on the register and not named in the absent voters list, or

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

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

(2) A tendered ballot paper shall—

(a) be of a colour different from the other ballot papers;

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

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

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

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

Spoilt ballot papers

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

Adjournment of poll in case of riot

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

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

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

(3) As soon as practicable after the CRO has received notice of the adjournment of a poll he shall inform the GLRO of that fact and of the cause of its adjournment.

Procedure on close of poll

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

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with any key attached,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll, and
- (f) the tendered votes list, the list of voters with disabilities voters 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 “physical incapacity” and “unable to read”, and the declarations made by the companions of voters with disabilities,

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

(2) Subject to paragraph (6), the contents of the packets referred to in paragraph (1)(b)(c) and (e) shall not be combined with the contents of the packets made under the corresponding rule that applies at a relevant election or referendum; nor shall the statement prepared under paragraph (5) be so combined.

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

(4) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(5) The packets shall be accompanied by a statement (“the ballot paper account”) showing the number of ballot papers entrusted to the presiding officer, and accounting for them under the heads—

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

(6) Where at an ordinary election the GLRO determines, in accordance with rule 16(8), that ballot papers at the ordinary election shall be on the same sheet of paper, ballot paper accounts in relation to the ballot papers on the same sheet of paper shall also be combined.

Attendance at counting of votes

42.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations he shall—

- (a) make arrangements for—
 - (i) discharging the functions in rule 43(1)(the local count) in the presence of the counting agents appointed for the purposes of the Mayoral election and each relevant election or referendum as soon as practicable after the close of the poll, and
 - (ii) thereafter counting the votes at the election in the presence of those counting agents appointed for the purposes of the Mayoral election; and
- (b) give to the counting agents appointed for the purposes of the Mayoral election and each relevant election or referendum, notice in writing of the time and place at which he will begin to discharge the functions under rule 43(1).

(2) Where the CRO does not discharge the functions first mentioned in paragraph (1) he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and the CRO shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(3) No person other than a person entitled to be present at the counting of the votes at the Mayoral election and each relevant election or referendum may be present at the proceedings under rule 43(1), unless permitted by the CRO to attend.

(4) No person other than—

- (a) the CRO and his clerks,
- (b) the candidates and their husbands or wives,
- (c) the election agents,
- (d) the counting agents, and
- (e) any person authorised by the Electoral Commission(a) to attend at the counting of the votes as a representative of the Commission,

may be present at the counting of the votes under paragraphs (2) to (15) of rule 43, unless permitted by the CRO to attend.

(5) A person not entitled to attend at the proceedings under rule 43(1) or the counting of the votes under paragraphs (2) to (15) of rule 43 shall not be permitted to do so by the CRO unless the CRO—

- (a) is satisfied that the efficient separation and verification of the ballot papers or, as the case may be, the efficient counting of the votes will not be impeded, and
- (b) has either consulted the candidates or thought it impracticable to do so.

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

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

The local count

43.—(1) Where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the Mayoral election and each relevant election or referendum, open each ballot box and record separately the number of ballot papers used in the Mayoral election and each relevant election or referendum;

(a) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

- (b) in the presence of the election agents appointed for the purposes of the Mayoral election and each relevant election or referendum verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the Mayoral election and each relevant election or referendum;
- (d) separate the ballot papers relating to the Mayoral election and each relevant election or referendum;
- (e) make up into packets the ballot papers for each other election or referendum (not including those for any GLA election) and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning officer for the other election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that other election or referendum; and
- (g) at the same time deliver to that officer packets that so relate containing—
 - (i) the unused and spoilt ballot papers,
 - (ii) the tendered ballot papers, and
 - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

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

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

(4) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given by him in writing to the counting agents as that after which he will begin to count the votes if by then he has received the ballot papers and the place at which the count will take place, open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People Regulations 2001(a), or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(b), count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,

and paragraph (11) shall not apply to these proceedings.

(5) The CRO shall not count the votes given on any ballot papers until—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

(a) S.I. 2001/341, to which there are amendments not relevant to these Rules.

(b) 2000 c. 22. See the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (S.I. 2002/185) made under section 44 and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) made under section 45.

(6) Where separate ballot boxes are used at a GLA election for votes cast these rules and those cast at any relevant election or referendum, the ballot boxes from each polling station shall be opened together and the ballot papers (but not necessarily the votes on them) counted and verified together.

(7) A postal ballot paper shall not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (8) and reaches the CRO or any polling station in the appropriate area before the close of the poll; and
- (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (8), and reaches him or such a polling station before that time.

(8) The manner in which any postal ballot paper or declaration of identity may be returned—

- (a) to the CRO is by hand or post;
- (b) to a polling station is by hand.

(9) The CRO shall not count any tendered ballot paper.

(10) The CRO, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(11) The CRO shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(12) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 5 in the afternoon and 10 on the following morning.

(13) At an ordinary election the hours between 5 in the afternoon and 10 on the following morning may be excluded under paragraph (12) only with the prior consent of the GLRO.

(14) During the time so excluded the CRO shall—

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

(15) A “polling station in the appropriate area” in paragraph (7) means a polling station—

- (a) in the area which is common to the Assembly constituency, and parliamentary constituency^(a), local counting area, electoral area and voting area, as the case may be in which the polls at the GLA election and a relevant election or referendum are being taken together; and
- (b) in respect of which polls the voter has been issued with a postal ballot paper.

Rejected ballot papers

44.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (c) which is unmarked,

shall be void and not counted.

(2) A ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place, or

(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be void if—

- (i) at an election at which more than two candidates remain validly nominated, an intention that votes shall be given, by way of a first preference vote, for not more than one of the candidates clearly appears;
- (ii) at any other election, an intention that a vote shall be for one only of the candidates clearly appears,

and (in each case) the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) A ballot paper which is not otherwise void and on which not more than one first preference vote is marked (whether or not a second preference vote is marked) shall be valid as respects that vote, and counted accordingly.

(4) The CRO shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if any objection to his decision is made by a counting agent.

(5) The CRO shall draw up a statement showing the number of ballot papers rejected 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; and
- (d) unmarked or void for uncertainty as to the first preference vote.

(6) As soon as practicable after completion of the statement, the CRO shall inform the GLRO of its contents.

Decisions on ballot papers

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

Re-count

46.—(1) A candidate or his election agent or a counting agent authorised under rule 28(3) may, if present when the counting or any re-count of the votes, or as the case may be, the first preference votes, is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes, or as the case may be, the first preference votes, until the candidates and election agents and counting agents authorised under rule 28(3) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Procedure at conclusion of local count

47.—(1) As soon as practicable after the conclusion of the local count (including any re-count), the CRO shall 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 more than two candidates—
 - (i) the number of first preference votes given for each candidate; and
 - (ii) the total number of first preference votes given;

- (d) at an election contested by only two candidates, the number of votes given for each candidate.
- (2) As soon as practicable after completion of the statement, the CRO shall inform the GLRO of its contents.
- (3) As soon as practicable after the GLRO has authorised him to do so, the CRO shall—
 - (a) inform such of the candidates and their election agents as are then present of the contents of the statements prepared in accordance with rule 44 and paragraph (1) of this rule; and
 - (b) give public notice of the contents of those statements.

Attendance at central calculation

48.—(1) The GLRO shall make arrangements for making the central calculation in the presence of the election agents and he shall give to those agents notice in writing of the time and place at which he will begin the calculation.

- (2) No person other than—
 - (a) the GLRO and his clerks,
 - (b) the candidates,
 - (c) the election agents, at an ordinary election, the nominating officers permitted to be present at the allocation of seats for London Members of the Assembly, and
 - (d) any person authorised by the Electoral Commission^(a) to attend at the counting of the votes as a representative of the Commission,

may be present at a calculation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend a calculation shall not be permitted to do so by the GLRO unless he—

- (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

49.—(1) As soon as the GLRO has received from every CRO the information required by rule 47 he shall—

- (a) in relation to an election contested by more than two candidates, ascertain the total of the first preference votes given in the Assembly constituencies to each candidate; and
- (b) in relation to an election contested by only two candidates, ascertain the total number of votes given in the Assembly constituencies to each candidate.

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

(3) In paragraph (2), “the relevant figures” means—

- (a) in the case of an election contested by more than two candidates, the number of first preference votes given in each of the Assembly constituencies for each candidate and the calculation undertaken by the GLRO for the purposes of ascertaining whether a candidate is to be returned in accordance with paragraph 3 of Schedule 2 to the 1999 Act (candidate with overall majority of first preference votes);
- (b) in the case of an election contested by only two candidates, the number of votes given in each Assembly constituency for each candidate and the total number of votes given for each candidate.

(4) Where an election is contested by more than two candidates—

^(a) The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

- (a) if paragraph 3 of Schedule 2 to the 1999 Act applies (candidate with overall majority of first preference votes) the declaration of the person to be returned as the Mayor shall be made in accordance with rule 50(1);
- (b) if paragraph 4(1) of that Schedule applies (no candidate with overall majority of first preference votes), the GLRO shall direct every CRO at the election to count the second preference votes given as mentioned in paragraph 4(5) of that Schedule.

(5) 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 as the Mayor is the candidate to whom the majority of the votes is given.

(6) 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 as the Mayor is the person whom the GLRO decides, in accordance with paragraph 4(8) of Schedule 2 to the 1999 Act, is to be returned as the Mayor.

(7) In a case to which paragraph (5) or (6) applies, the declaration of the person to be returned as the Mayor shall be made in accordance with rule 52.

PART V

Further Provision: More than Two Candidates

The count of second preference votes

50.—(1) As soon as the CRO has received such a direction as is mentioned in rule 49(4)(b) he shall count the number of second preference votes for each of the candidates remaining in the contest given by voters who did not give their first preference vote to any of those candidates.

(2) A ballot paper which is not otherwise void and on which not more than one second preference vote is marked shall be valid as respects that vote and shall be counted accordingly if, but only if, a valid first preference vote has also been marked.

(3) Rules 42, 43(5), (6), (8) and (9), 44 (except paragraph (3)), 46(1) (except the words “the votes, or as the case may be,”) and 48 shall apply in relation to the count of second preference votes as they apply in relation to the count of first preference votes as if references to first preference votes were references to second preference votes.

(4) The CRO shall not be required to re-examine any decision taken under rule 45.

(5) As soon as practicable after the second preference votes have been counted, the CRO shall inform the GLRO of the number of second preference votes cast for each of the candidates remaining in the contest.

The second calculation and resolution of equality

51.—(1) As soon as the GLRO has received from every CRO the information required by rule 50(5), he shall comply with paragraph 4(5) and (6) of Schedule 2 to the 1999 Act.

(2) As soon as the GLRO has ascertained the result of the second calculation, he shall provide such of the election agents for those candidates who remain in the contest as are then present with a copy of the relevant figures and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) In paragraph (2), “the relevant figures” means the number of second preference votes given in each of the Assembly constituencies for each of the candidates remaining in the contest and the calculation undertaken by the GLRO for the purpose of ascertaining the total number of first and second preference votes given to each of those candidates.

(4) If, after the second calculation, the total number of votes given for two or more candidates is equal, the person to be returned as the Mayor is the person whom the GLRO decides, in accordance with paragraph 4(8) of Schedule 2 to the 1999 Act, is to be returned as the Mayor.

PART VI

Final Proceedings in Contested and Uncontested Elections

Declaration of result

52.—(1) The GLRO shall declare to be elected as the Mayor of London the candidate who, in accordance with section 4(2) of the 1999 Act (including that provision as applied by section 16(4) at an election to fill a vacancy), or Part I of Schedule 2 to that Act, as the case may be, is to be returned as the Mayor at that election.

(2) The GLRO shall give public notice of—

- (a) the name of the successful candidate,
- (b) the total number of first preference votes given for each candidate,
- (c) the total number of second preference votes given for each of the candidates remaining in the contest after the count of the first preference votes, and
- (d) the number of rejected ballot papers at the election under each head shown in the statement of rejected ballot papers.

(3) In an uncontested election, the GLRO shall as soon as practicable after the latest time for the delivery of notices of withdrawals of candidature—

- (a) declare to be elected the person remaining validly nominated; and
- (b) give public notice of the name of the person declared to be elected.

(4) The GLRO shall inform the proper officer^(a) of the Authority of the result of the election.

Return or forfeiture of candidate's deposit

53.—(1) Unless forfeited in accordance with paragraph (5), the deposit made under rule 9 shall be returned to the person making it or his personal representative.

(2) Subject to paragraph (4), the deposit shall be returned not later than the next day after that on which the result of the election is declared.

(3) For the purposes of paragraph (2)—

- (a) a day shall be disregarded if it would be disregarded under rule 3 in computing any period of time for the purposes of the timetable for an election of the kind in question; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If the candidate is not shown as standing nominated in the statement of persons nominated, or if proof of his death has been given to the GLRO before the first calculation under rule 49, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(5) Where a poll is taken, if, after the first calculation under rule 49, the candidate is found not to have polled more than one-twentieth of the total number of first preference votes polled by all the candidates, the deposit shall be forfeited to the Greater London Authority.

^(a) For the definition of “proper officer” *see* section 424(1) and (2) of the Greater London Authority Act 1999 (c. 29). The functions of the proper officer of the Authority include that of being one of the persons to whom the declaration of acceptance of office by the duly elected Mayor or Assembly Member is to be made. *See* section 28 of that Act.

PART VII

Disposal of Documents

Sealing up of ballot papers

54.—(1) On the completion of the counting at a contested election the CRO shall seal up in separate packets the counted and rejected ballot papers.

(2) The CRO shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

Delivery and retention of documents

55.—(1) The CRO shall then transfer control to the GLRO of the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
- (c) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.

(2) The CRO shall retain the packets containing—

- (a) the marked copies of registers and of lists of proxies, and
- (b) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities.

(3) Any document which has been transferred to the control of the GLRO under this rule shall either—

- (a) be kept by the CRO on behalf of the GLRO; or
- (b) be forwarded by the CRO to the GLRO,

as the GLRO shall decide.

(4) At an election where the CRO does not discharge the functions referred to in Combination of Polls Regulations, paragraph (2) shall not apply.

Orders for production of documents

56.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers under the control of the GLRO; or
- (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers under his control,

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

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers under the control of the GLRO may be made by an election court.

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

- (a) persons,

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

as the court making the order think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

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

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

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

(6) Where an order is made for the production by the GLRO of any document under his control relating to any specified election—

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

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers under the control of the GLRO or open any sealed packets of counterfoils and certificates.

Public inspection and destruction of documents

57.—(1) The GLRO shall retain or cause to be retained for six months all documents relating to an election placed under his control in pursuance of these Rules by a CRO, and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and in such manner as the Authority may determine.

(3) The CRO shall keep for six months the documents retained by him in accordance with rule 55(2) and then, unless otherwise directed by an order of a county court or an election court, shall cause them to be destroyed.

(4) Those documents shall be open to public inspection at all reasonable hours.

(5) The GLRO and the CRO may, on request, supply copies of or extracts from such of the documents in their possession or control as are open to public inspection on payment of such fees and subject to such conditions as may be determined by the Authority.

PART VIII

Death of Candidate

Countermand or abandonment of poll on death of candidate

58.—(1) If at a contested election proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the GLRO shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned, and the provisions of subsections (1) and (5) of section 39 (local elections void etc. in England and Wales) of the 1983 Act apply in respect of any vacancy which remains unfilled.

(2) The countermand of a poll or the direction that a poll be abandoned shall have effect only in relation to the election for the return of the Mayor to which the countermand or direction relates and shall not effect the poll at a relevant election or referendum.

(3) Where the poll at the Mayoral election is abandoned by reason of a candidate's death—

- (a) no further ballot papers shall be delivered for the Mayoral election in any polling station, except for any which are printed on the same sheet of paper as another ballot paper that is still to be delivered;
- (b) at the close of the poll for such polls as are not abandoned, the presiding officer shall take the like steps for the delivery to the CRO of ballot boxes and of papers and other documents as he would be required to do if the poll at the Mayoral election had not been abandoned and the CRO shall deal with and dispose of the ballot papers used at the Mayoral election as he would be required to do if the poll at the Mayoral election had not been abandoned;
- (c) notwithstanding sub-paragraph (b)—
 - (i) it shall not be necessary for any ballot paper account at the Mayoral election to be prepared or verified;
 - (ii) the CRO shall separate the ballot papers relating to the Mayoral election from those for a relevant election or referendum, except where such ballot papers are on the same sheet of paper;
 - (iii) the CRO shall take no step or further step for counting the ballot papers or the votes in the Mayoral election, but without prejudice to counting of ballot papers and votes at any poll in respect of which the ballot paper is on the same sheet of paper;
 - (iv) where the ballot papers are not printed on the same sheet of paper as that of another ballot paper, the CRO shall seal up all of the ballot papers, whether counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(4) The provisions of these Rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

SCHEDULE 11

MODIFICATION OF COMBINED POLL RULES IN SCHEDULES 8 TO 10 WHERE VOTES COUNTED BY ELECTRONIC MEANS

1. In this Schedule—

“CMER” means the Constituency Members Election Rules, as set out in Schedule 8;

“LMER” means the London Members Election Rules, as set out in Schedule 9;

“MER” means the Mayoral Election Rules, as set out in Schedule 10; and

any reference to a numbered form is a reference to the form of that number in Schedule 5.

2. Where votes are counted by electronic means, the CMER, the LMER and MER shall be modified as follows.

3. Those rules shall be construed as though the following definition applied—

“central counting system” means such computer hardware and software, data, other equipment and services as may be provided by the returning officer for the purpose of counting and calculating electronically the numbers of ballot papers, or votes cast on them, at the elections, including the provision of information to allow for the verification of ballot paper accounts.

4. Any reference to the counting of ballot papers or votes, or the making of any calculation in whatever terms, shall be construed as including a reference to counting or calculating by electronic means, except where the context otherwise requires.

5. Any provision, mentioned in column (1) of the Table below shall be modified as shown in column (2).

TABLE

<i>(1)</i> <i>Rule</i>	<i>(2)</i> <i>Modification</i>
CMER, rule 15(2) (the ballot papers)	Omit sub-paragraph (b). In sub-paragraph (c), after “printed on the” insert “front or”.
LMER, rule 16(3) (the ballot papers)	Omit sub-paragraph (c). In sub-paragraph (d), after “printed on the” insert “front or”.
MER, rule 16(3) (the ballot papers)	Omit sub-paragraph (c). In sub-paragraph (d), after “printed on the” insert “front or”.
CMER, rule 16 LMER, rule 17 MER, rule 17 (the official mark)	In paragraph (1), for “which shall perforate the ballot paper”, substitute— “which shall consist of— <div style="margin-left: 40px;"> <p>(a) a mark which perforates the paper;</p> <p>(b) a watermark;</p> <p>(c) faint printing which appears to lie behind the text of the ballot paper;</p> <p>(d) a barcode; or</p> <p>(e) such other feature as will indicate the authenticity of the ballot paper”.</p> </div> For paragraphs (2) and (3), substitute— “(2) Where the official mark consists of a barcode it shall contain a security feature which shall allow information it conveys as to its authenticity to be discerned with the use of

	<p>information held only by the GLRO, the CRO and his clerks.</p> <p>(3) The official mark shall be kept secret and an interval of not less than five years shall intervene before the same official mark is used at any Authority election.</p> <p>(3A) Except where the official mark consists of a barcode, the official mark used for ballot papers issued for voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.”</p>
<p>CMER, rule 22 LMER, rule 23 MER, rule 23 (appointment of presiding officers and clerks)</p>	<p>After paragraph (1), insert—</p> <p>“(1A) The clerks appointed pursuant to paragraph (1) above may include such technical advisers as he thinks fit to assist in—</p> <p>(a) the operation and maintenance of the central counting system;</p> <p>(b) any other computer hardware or software or other equipment or any service; and</p> <p>(c) the handling and use of any electronic data, used or to be used for the purposes of counting the ballot papers and the votes.”</p>
<p>CMER, rule 34 LMER, rule 35 MER, rule 35 (voting procedure)</p>	<p>In sub-paragraph (a) of paragraph (1), after “official mark” insert “, except where the official mark is one that does not consist of a mark which perforates the ballot paper”.</p> <p>In paragraph (2), omit the words—</p> <p>“and fold it up so as to conceal his vote”;</p> <p>“so as to disclose the official mark”; and</p> <p>“so folded up”.</p> <p>At the end of paragraph (2), insert the words—</p> <p>“in such a way as to conceal his vote”.</p>
<p>CMER, rule 41 (attendance at counting of votes)</p>	<p>In paragraphs (1) and (3), for “rule 42(1)” substitute “rule 41C(1) or rule 42(1)”.</p> <p>In paragraph (4), for “paragraphs (2) to (15) of rule 42” substitute “paragraphs (2) to (15) of rule 41C or paragraphs (2) to (15) of rule 42”.</p> <p>In paragraph (5), for “rule 42(1)” substitute “rule 41C or rule 42(1)”.</p> <p>After this rule, insert—</p> <p>“Counting using the central counting system</p> <p>41A.—(1) The CRO may conduct any count of the votes using the central counting system.</p> <p>(2) Where the count has been conducted using the central counting system, the CRO, if he considers it appropriate to do so may conduct any re-count without using that system.</p> <p>(3) Any count or re-count conducted using the central counting system shall be conducted in accordance with rule 41C.</p> <p>(4) Where the counting of the votes has commenced using the central counting system, if at any time before the result has been declared, the CRO considers it appropriate, he may discontinue the count and instead count the votes without</p>

using the central counting system.

Concurrent counting

41B.—(1) Where the count for the election is to be conducted using the central counting system, the votes on the ballot papers for the election and for any relevant election or referendum may be counted concurrently using the central counting system, where the CRO and the returning officer for that relevant election or referendum so agree.

(2) Where the GLRO has determined that two or more ballot papers shall appear on the same sheet of paper in accordance with these Rules, the votes on those ballot papers shall be counted concurrently.

(3) Notwithstanding paragraphs (1) and (2), where there is a recount of votes at the election the votes on the ballot papers for the election and any relevant election or referendum shall not be counted concurrently, unless there is also a recount at the relevant election or referendum and the CRO and the returning officer for that relevant election or referendum so agree.

The electronic count

41C.—(1) Where the count is being conducted using the central counting system, and where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the poll at the election and those appointed for the purposes of each relevant election or referendum, open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the election agents appointed for the purposes of the poll at the election and those appointed for the purposes of each relevant election or referendum, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record the number counted;
- (d) separate the ballot papers relating to the election and each relevant election or referendum which is to be counted separately;
- (e) in relation to the ballot papers which have been separated for each other election or referendum—
 - (i) make up into packets the ballot papers for each other election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate; and
 - (ii) deliver or cause to be delivered to the returning officer for the poll to which the ballot papers relate those containers, together with a list of them and of the contents of each;

	<p>(f) deliver or cause to be delivered to the returning officer for each other election or referendum—</p> <p>(i) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election or referendum; and</p> <p>(ii) the packets that relate to each other election or referendum containing—</p> <p>(aa) the unused and spoiled ballot papers,</p> <p>(bb) the tendered ballot papers, and</p> <p>(cc) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.</p> <p>(2) Where the counts at the election and at a relevant election or referendum are being conducted using a central counting system, in relation to the election and that relevant election or referendum, any of the steps referred to paragraph (1), in so far as practicable, may be undertaken—</p> <p>(a) using the central counting system;</p> <p>(b) concurrently with any other of those steps;</p> <p>(c) in a different order;</p> <p>(d) by dealing with the ballot boxes separately;</p> <p>(e) during or after the process of counting the votes for the election or any relevant election or referendum.</p> <p>(3) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations and the votes on the ballot papers are not to be counted concurrently with the votes on the ballot papers at a relevant election or referendum, he shall—</p> <p>(a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 41(1), in the presence of the counting agents open each container; and</p> <p>(b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People Regulations 2001, or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(a), count such of the postal ballot papers as have been duly returned and record the number counted; and</p> <p>(c) mix together the postal ballot papers and the ballot papers from all the containers and count the votes given on them,</p>
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(a) 2000 c. 22. See the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (S.I. 2002/185) made under section 44 and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) made under section 45.

and paragraph (12) shall not apply to these proceedings.

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

(5) Where separate ballot boxes are used for the votes cast under these rules and those cast at any relevant election or referendum and the votes are not being counted concurrently using the central counting system, all the ballot boxes from each polling station shall be opened together.

(6) The CRO shall count the votes by causing the central counting system to count the votes and calculate the total number of votes given for each candidate at the election from the votes cast on ballot papers which have been counted by it, and shall use the information provided by the central counting system to verify the ballot paper accounts if that has not already been done.

(7) A postal ballot paper shall not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (8) below and reaches the returning officer, or a polling station in the appropriate area (as defined in paragraph (9)) before the close of the poll; and
- (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (8) below and reaches him or such a polling station before that time.

(8) The manner in which any postal ballot paper or declaration of identity may be returned—

- (a) to the CRO, is by hand or by post; and
- (b) to a polling station, is by hand.

(9) In paragraph (7) “a polling station in the appropriate area” means a polling station—

- (a) in the area which is common to the Assembly constituency, and parliamentary constituency(a), local counting area, electoral area or voting area, (as the case may be) in which the polls at the GLA election and any relevant election or referendum are being taken together; and
- (b) in respect of which polls the postal voter has been issued with a postal ballot paper.

(10) The CRO shall not count any tendered ballot papers.

(11) The CRO, while counting and recording the number of ballot papers and counting the votes, shall take all proper precautions for preventing any person from identifying the voter who has cast any vote.

(12) The CRO shall verify each ballot paper account by comparing it with the number of ballot papers recorded, and the information as to the unused and spoilt ballot papers and from the tendered votes list (opening and resealing the

(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

	<p>packets containing the unused and spoilt ballot papers and the tendered votes list) and shall produce a statement as to the result of the verification, which any election agent may copy.</p> <p>(13) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.</p> <p>(14) During the time so excluded the CRO shall—</p> <ul style="list-style-type: none"> (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and (b) otherwise take proper precautions for the security of the papers and documents and the central counting system. <p>(15) Where the CRO decides at any point to conduct the count or any recount without using the central counting system, he shall—</p> <ul style="list-style-type: none"> (a) cause any step specified in rule 42(1) which has yet to be completed to be carried out; (b) proceed as though no votes had been counted; (c) otherwise proceed in accordance with rule 42 below, except that— <ul style="list-style-type: none"> (i) rule 42(6) shall apply only in so far as practicable; and (ii) where the GLRO has determined that two or more ballot papers shall appear on the same sheet of paper in accordance with these Rules, such ballot papers shall not be separated.
<p>LMER, rule 42 (attendance at local count)</p>	<p>In paragraph (1), for “rule 43(1)” substitute “rule 42C(1) and rule 43(1)”.</p> <p>In paragraph 3, for “rule 43(1)” substitute “rule 42C(1) or rule 43(1)”.</p> <p>In paragraph (4), for “paragraphs (2) to (15) of rule 43” substitute “rule paragraphs (2) to (15) of rule 42C or paragraphs (2) to (15) of rule 43”.</p> <p>In paragraph (5), for “rule 42(1)” substitute “rule 41C or rule 42(1)”.</p> <p>After this rule, insert—</p> <p>“Counting using the central counting system</p> <p>42A.—(1) The CRO may conduct any count of the votes using the central counting system.</p> <p>(2) Where the count has been conducted using the central counting system, the CRO, if he considers it appropriate to do so may conduct any re-count without using that system.</p> <p>(3) Any count or re-count conducted using the central counting system shall be conducted in accordance with rule 42C.</p>

(4) Where the counting of the votes has commenced using the central counting system, if, at any time before the result has been declared, the CRO considers it appropriate, he may discontinue the count and instead count the votes without using the central counting system.

Concurrent counting

42B.—(1) Where the count for the election is to be conducted using the central counting system, the votes on the ballot papers for the election and for any relevant election or referendum may be counted concurrently using the central counting system, where the CRO and the returning officer for that relevant election or referendum so agree.

(2) Where the GLRO has determined that two or more ballot papers shall appear on the same sheet of paper in accordance with these Rules, the votes on those ballot papers shall be counted concurrently.

(3) Notwithstanding paragraphs (1) and (2), where there is a recount of votes at the election the votes on the ballot papers for the election and any relevant election or referendum shall not be counted concurrently, unless there is also a recount at the relevant election or referendum and the CRO and the returning officer for that relevant election or referendum so agree.

The electronic count

42C.—(1) Where the count is being conducted using the central counting system, and where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the poll at the election and those appointed for the purposes of each relevant election or referendum, open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the election agents appointed for the purposes of the poll at the election and those appointed for the purposes of each relevant election or referendum, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record the number counted;
- (d) separate the ballot papers relating to the election and each relevant election or referendum which is to be counted separately;
- (e) in relation to the ballot papers which have been separated for each other election or referendum—
 - (i) make up into packets the ballot papers for each other election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate; and

	<ul style="list-style-type: none"> (ii) deliver or cause to be delivered to the returning officer for the poll to which the ballot papers relate those containers, together with a list of them and of the contents of each; <p>(f) deliver or cause to be delivered to the returning officer for each other election or referendum—</p> <ul style="list-style-type: none"> (i) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election or referendum; and (ii) the packets that relate to each other election or referendum containing— <ul style="list-style-type: none"> (aa) the unused and spoilt ballot papers, (bb) the tendered ballot papers, and (cc) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll. <p>(2) Where the counts at the election and at a relevant election or referendum are being conducted using a central counting system, in relation to the election and that relevant election or referendum, any of the steps referred to paragraph (1), in so far as practicable, may be undertaken—</p> <ul style="list-style-type: none"> (a) using the central counting system; (b) concurrently with any other of those steps; (c) in a different order; (d) by dealing with the ballot boxes separately; (e) during or after the process of counting the votes for the election or any relevant election or referendum. <p>(3) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations and the votes on the ballot papers are not to be counted concurrently with the votes on the ballot papers at a relevant election or referendum, he shall—</p> <ul style="list-style-type: none"> (a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 42(1), in the presence of the counting agents open each container; and (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People Regulations 2001, or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000(a), count such of the postal ballot papers as have been duly returned and record the number counted; and
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(a) 2000 c. 22. See the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (S.I. 2002/185) made under section 44 and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) made under section 45.

	<p>(c) mix together the postal ballot papers and the ballot papers from all the containers and count the votes given on them,</p> <p>and paragraph (12) shall not apply to these proceedings.</p> <p>(4) Where separate ballot boxes have been used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.</p> <p>(5) Where separate ballot boxes are used for the votes cast under these Rules and those cast at any relevant election or referendum and the votes are not being counted concurrently using the central counting system, all the ballot boxes from each polling station shall be opened together.</p> <p>(6) The CRO shall count the votes by causing the central counting system to count the votes and calculate the total number of votes given for each party and individual candidate at the election from the votes cast on ballot papers which have been counted by it, and shall use the information provided by the central counting system to verify the ballot paper accounts if that has not already been done.</p> <p>(7) A postal ballot paper shall not be taken to be duly returned unless—</p> <p>(a) it is returned in the manner set out in paragraph (8) below and reaches the returning officer, or a polling station in the appropriate area (as defined in paragraph (9)) before the close of the poll; and</p> <p>(b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (8) below and reaches him or such a polling station before that time.</p> <p>(8) The manner in which any postal ballot paper or declaration of identity may be returned—</p> <p>(a) to the CRO, is by hand or by post; and</p> <p>(b) to a polling station, is by hand.</p> <p>(9) In paragraph (7) “a polling station in the appropriate area” means a polling station—</p> <p>(a) in the area which is common to the Assembly constituency, and parliamentary constituency^(a), local counting area, electoral area or voting area, (as the case may be) in which the polls at the GLA election and any relevant election or referendum are being taken together; and</p> <p>(b) in respect of which polls the postal voter has been issued with a postal ballot paper.</p> <p>(10) The CRO shall not count any tendered ballot papers.</p> <p>(11) The CRO, while counting and recording the number of ballot papers and counting the votes, shall take all proper precautions for preventing any person from identifying the voter who has cast any vote.</p> <p>(12) The CRO shall verify each ballot paper account by</p>
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^(a) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

	<p>comparing it with the number of ballot papers recorded, and the information as to the unused and spoilt ballot papers and from the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall produce a statement as to the result of the verification, which any election agent may copy.</p> <p>(13) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.</p> <p>(14) During the time so excluded the CRO shall—</p> <ul style="list-style-type: none"> (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and (b) otherwise take proper precautions for the security of the papers and documents and the central counting system. <p>(15) Where the CRO decides at any point to conduct the count or any recount without using the central counting system, he shall—</p> <ul style="list-style-type: none"> (a) cause any step specified in rule 43(1) which has yet to be completed to be carried out; (b) proceed as though no votes had been counted; (c) otherwise proceed in accordance with rule 43 below, except that— <ul style="list-style-type: none"> (i) rule 43(6) shall apply only in so far as practicable; and (ii) where the GLRO has determined that two or more ballot papers shall appear on the same sheet of paper in accordance with rule 16(9), such ballot papers shall not be separated .
<p>MER, rule 42 (attendance at local count)</p>	<p>In paragraph (1), for “rule 43(1)” substitute “rule 42C(1) and rule 43(1)”.</p> <p>In paragraph 3, for “rule 43(1)” substitute “rule 42C(1) or rule 43(1)”.</p> <p>In paragraph (4), for “paragraphs (2) to (15) of rule 43” substitute “rule paragraphs (2) to (15) of rule 42C or paragraphs (2) to (15) of rule 43”.</p> <p>In paragraph (5), for “rule 42(1)” substitute “rule 41C or rule 42(1)”.</p> <p>After this rule, insert—</p> <p>“Counting using the central counting system</p> <p>42A.—(1) The CRO may conduct any count of the votes using the central counting system.</p> <p>(2) Where the count has been conducted using the central counting system, the CRO, if he considers it appropriate to</p>

do so may conduct any re-count without using that system.

(3) Any count or re-count conducted using the central counting system shall be conducted in accordance with rule 42C.

(4) Where the counting of the votes has commenced using the central counting system, if, at any time before the result has been declared, the CRO considers it appropriate, he may discontinue the count and instead count the votes without using the central counting system.

Separation of electronic count ballot papers

42B.—(1) Where the count for the election is to be conducted using the central counting system, the votes on the ballot papers for the election and for any relevant election or referendum may be counted concurrently using the central counting system, where the CRO and the returning officer for that relevant election or referendum so agree.

(2) Where the GLRO has determined that two or more ballot papers shall appear on the same sheet of paper in accordance with these Rules, the votes on those ballot papers shall be counted concurrently.

(3) Notwithstanding paragraphs (1) and (2), where there is a recount of votes at the election the votes on the ballot papers for the election and any relevant election or referendum shall not be counted concurrently, unless there is also a recount at the relevant election or referendum and the CRO and the returning officer for that relevant election or referendum so agree.

The electronic count

42C.—(1) Where the count is being conducted using the central counting system, and where the CRO discharges the functions specified in regulation 5 of the Combination of Polls Regulations, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the poll at the election and those appointed for the purposes of each relevant election or referendum, open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the election agents appointed for the purposes of the poll at the election and those appointed for the purposes of each relevant election or referendum, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record the number counted;
- (d) separate the ballot papers relating to the election and each relevant election or referendum which is to be counted separately;
- (e) in relation to the ballot papers which have been separated for each other election or referendum—
 - (i) make up into packets the ballot papers for each

	<p>other election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate; and</p> <p>(ii) deliver or cause to be delivered to the returning officer for the poll to which the ballot papers relate those containers, together with a list of them and of the contents of each;</p> <p>(f) deliver or cause to be delivered to the returning officer for each other election or referendum—</p> <p>(i) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election or referendum; and</p> <p>(ii) the packets that relate to each other election or referendum containing—</p> <p>(aa) the unused and spoilt ballot papers,</p> <p>(bb) the tendered ballot papers, and</p> <p>(cc) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.</p> <p>(2) Where the counts at the election and at a relevant election or referendum are being conducted using a central counting system, in relation to the election and that relevant election or referendum, any of the steps referred to paragraph (1), in so far as practicable, may be undertaken—</p> <p>(a) using the central counting system;</p> <p>(b) concurrently with any other of those steps;</p> <p>(c) in a different order;</p> <p>(d) by dealing with the ballot boxes separately;</p> <p>(e) during or after the process of counting the votes for the election or any relevant election or referendum.</p> <p>(3) Where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations and the votes on the ballot papers are not to be counted concurrently with the votes on the ballot papers at a relevant election or referendum, he shall—</p> <p>(a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 42(1), in the presence of the counting agents open each container; and</p> <p>(b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People Regulations 2001, or under that regulation as applied by regulations made</p>
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	<p>under sections 44 and 105, or 45 and 105, of the Local Government Act 2000^(a), count such of the postal ballot papers as have been duly returned and record the number counted; and</p> <p>(c) mix together the postal ballot papers and the ballot papers from all the containers and count the votes given on them,</p> <p>and paragraph (12) shall not apply to these proceedings.</p> <p>(4) Where separate ballot boxes have been used, no vote for any candidate shall be rendered invalid by the ballot paper being placed in the ballot box used at any relevant election or referendum.</p> <p>(5) Where separate ballot boxes are used for the votes cast under these Rules and those cast at any relevant election or referendum and the votes are not being counted concurrently using the central counting system, all the ballot boxes from each polling station shall be opened together.</p> <p>(6) The CRO shall count the votes by causing the central counting system to count the votes and calculate the total number of votes given for each candidate at the election from the votes cast on ballot papers which have been counted by it, and shall use the information provided by the central counting system to verify the ballot paper accounts if that has not already been done.</p> <p>(7) A postal ballot paper shall not be taken to be duly returned unless—</p> <p>(a) it is returned in the manner set out in paragraph (8) below and reaches the returning officer, or a polling station in the appropriate area (as defined in paragraph (9)) before the close of the poll; and</p> <p>(b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (8) below and reaches him or such a polling station before that time.</p> <p>(8) The manner in which any postal ballot paper or declaration of identity may be returned—</p> <p>(a) to the CRO, is by hand or by post; and</p> <p>(b) to a polling station, is by hand.</p> <p>(9) In paragraph (7) “a polling station in the appropriate area” means a polling station—</p> <p>(a) in the area which is common to the Assembly constituency, and parliamentary constituency^(b), local counting area, electoral area or voting area, (as the case may be) in which the polls at the GLA election and any relevant election or referendum are being taken together; and</p> <p>(b) in respect of which polls the postal voter has been issued with a postal ballot paper.</p>
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^(a) 2000 c. 22. See the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (S.I. 2002/185) made under section 44 and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) made under section 45.

^(b) For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

	<p>(10) The CRO shall not count any tendered ballot papers.</p> <p>(11) The CRO, while counting and recording the number of ballot papers and counting the votes, shall take all proper precautions for preventing any person from identifying the voter who has cast any vote.</p> <p>(12) The CRO shall verify each ballot paper account by comparing it with the number of ballot papers recorded, and the information as to the unused and spoiled ballot papers and from the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and shall produce a statement as to the result of the verification, which any election agent may copy.</p> <p>(13) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.</p> <p>(14) During the time so excluded the CRO shall—</p> <ul style="list-style-type: none"> (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and (b) otherwise take proper precautions for the security of the papers and documents and the central counting system. <p>(15) Where the CRO decides at any point to conduct the count or any recount without using the central counting system, he shall—</p> <ul style="list-style-type: none"> (a) cause any step specified in rule 43(1) which has yet to be completed to be carried out; (b) proceed as though no votes had been counted; (c) otherwise proceed in accordance with rule 43 below, except that— <ul style="list-style-type: none"> (i) rule 43(6) shall apply only in so far as practicable; and (ii) where the GLRO has determined that two or more ballot papers shall appear on the same sheet of paper in accordance with rule 16(9), such ballot papers shall not be separated .
<p>CMER, rule 42 LMER, rule 43 MER, rule 43 (the count)</p>	<p>At the beginning insert— “(1A) This rule applies where a count or recount is to be conducted without the use of the central counting system.”</p>
<p>CMER, rule 43, LMER, rule 44 (rejected ballot papers)</p>	<p>For paragraph (4), substitute— “(4) A record shall be retained in the central counting system of which ballot papers were rejected and the reason for rejection in each case.” After paragraph (4), insert— “(5) Any ballot paper not initially either rejected or counted by the central counting system shall be the subject of a decision by the</p>

	<p>CRO.</p> <p>(6) Such a decision may be made by the CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count and by the returning officer recording his decision on the central counting system and where this is done, neither a candidate nor his agent shall be entitled to require the returning officer to provide a paper copy of any ballot paper for their inspection.”</p>
MER, rule 44 (rejected ballot papers)	<p>For paragraph (4), substitute—</p> <p>(4) A record shall be retained in the central counting system of which ballot papers were rejected and the reason for rejection in each case.”</p> <p>After paragraph (6), insert—</p> <p>“(7) Any ballot paper not initially either rejected or counted by the central counting system shall be the subject of a decision by the CRO.</p> <p>(8) Such a decision may be made by the CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count and by the returning officer recording his decision on the central counting system and where this is done, neither a candidate nor his agent shall be entitled to require the returning officer to provide a paper copy of any ballot paper for their inspection.”</p>
MER, rule 49 (the first calculation and resolution of equality)	<p>Omit paragraphs (1) to (3) and 4(b) and, in paragraph (6) the words “an election is contested by only two candidates and”;</p> <p>In paragraph (6) for “them” substitute “the candidates”.</p>
MER, rule 50 (the count of second preference votes)	<p>Omit paragraphs (1) and (3) to (5).</p>
MER, rule 51 (the second calculation and resolution of equality)	<p>Omit paragraphs (2) to (4) and, in paragraph (1), the words “as required by rule 50(5)”.</p>
CMER, rule 49 LMER, rule 52 MER, rule 54 (sealing up of ballot papers)	<p>After paragraph (1), insert—</p> <p>“(1A) Where the votes have been counted using the central counting system, the CRO shall also seal up in separate packets complete electronic copies of the information stored in the central counting system, held in a device suitable for the purpose of its storage.</p> <p>(1B) After taking copies for the purposes of paragraph (1A) above, the CRO shall arrange for the original records in the central counting system to be removed from it and destroyed in a manner that ensures that the confidentiality of those records is preserved.</p> <p>(1C) Where the votes at the GLA election have been counted concurrently with the votes at a relevant election or referendum—</p> <ul style="list-style-type: none"> (a) references in paragraphs (1A) and (1B) above to the “CRO” shall be construed as references to the returning officer who discharges the functions referred to in regulation 5 of the Combination of Polls Regulations; and (b) the counted and rejected ballot papers at the election to be sealed up and packeted under paragraph (1) and the counted and rejected ballot papers at each relevant election or referendum where the votes

	<p>were counted concurrently, shall be sealed up in combined packets of counted ballot papers and rejected ballot papers.”.</p>
<p>CMER, rule 50 (delivery and retention of documents)</p>	<p>In paragraph (1), after sub-paragraph (c), insert— “(d) the packets containing the records referred to in rule 49(1A).” After paragraph (3), insert— “(3A) Where the votes at the GLA election have been counted by a central counting system concurrently with the votes at any relevant election or referendum, any references in this rule and in rules 51 and 52 to the CRO shall be construed as a reference to the returning officer who discharges the functions referred to in regulation 5 of the Combination of Polls Regulations.”</p>
<p>LMER, rule 53 (delivery and retention of documents)</p>	<p>In paragraph (1), after sub-paragraph (c), insert— “(d) the packets containing the records referred to in rule 52(1A).” After paragraph (3), insert— “(3A) Where the votes at the election have been counted by a central counting system concurrently with the votes at any relevant election or referendum which is not a GLA election, all references in this rule and in rules 54 and 55 to the CRO shall be construed as a reference to the returning officer who discharges the functions referred to in regulation 5 of the Combination of Polls Regulations.”</p>
<p>MER, rule 55 (delivery and retention of documents)</p>	<p>In paragraph (1), after sub-paragraph (c), insert— “(d) the packets containing the records referred to in rule 54(1A).” After paragraph (3), insert— “(3A) Where the votes at the election have been counted by a central counting system concurrently with the votes at any relevant election or referendum which is not a GLA election, all references in this rule and in rules 56 and 57 to the CRO shall be construed as a reference to the returning officer who discharges the functions referred to in regulation 5 of the Combination of Polls Regulations.”</p>
<p>CMER, rule 51 (orders for production of documents)</p>	<p>In paragraph (1)(b), after the words “for the opening of”, insert “a packet containing the records referred to in rule 49(1A).” In paragraph (2), after the words “for the opening of”, insert “a packet containing the records referred to in rule 49(1A) or”. In paragraph (3), after the words “for the opening of”, insert “a packet containing the records referred to in rule 49(1A) or”.</p>

	<p>In paragraph (6), after the words “document” in each place where it appears, insert “or record”.</p> <p>After paragraph (7), insert—</p> <p>“(7A) The production from proper custody of a copy of any of the records placed in such custody under these rules which indicates that a particular vote was cast by a particular elector shall be prima facie evidence that such vote was cast by such elector.”</p> <p>At the end of paragraph (8), insert “or containing the records referred to in rule 49(1A)”.</p>
LMER, rule 54 (orders for production of documents)	<p>In paragraph 1(b), after the words “for the opening of”, insert “a packet containing the records referred to in rule 52(1A),”.</p> <p>In paragraph 2, after the words “for the opening of”, insert “a packet containing the records referred to in rule 52(1A) or”.</p> <p>In paragraph 3, after the words “for the opening of”, insert “a packet containing the records referred to in rule 52(1A) or”.</p> <p>In paragraph (6), after the words “document” in each place where it appears, insert “or record”.</p> <p>After paragraph (7), insert—</p> <p>“(7A) The production from proper custody of a copy of any of the records placed in such custody under these rules which indicates that a particular vote was cast by a particular elector shall be prima facie evidence that such vote was cast by such elector.”</p> <p>At the end of paragraph (8), insert “or containing the records referred to in rule 52(1A)”.</p>
MER, rule 56 (orders for production of documents)	<p>In paragraph (1)(b), after the words “for the opening of”, insert “a packet containing the records referred to in rule 54(1A),”.</p> <p>In paragraph (2), after the words “for the opening of”, insert “a packet containing the records referred to in rule 54(1A) or”.</p> <p>In paragraph (3), after the words “for the opening of”, insert “a packet containing the records referred to in rule 54(1A) or”.</p> <p>In paragraph (6), after the words “document” in each place where it appears, insert “or record”.</p> <p>After paragraph (7), insert—</p> <p>“(7A) The production from proper custody of a copy of any of the records placed in such custody under these rules which indicates that a particular vote was cast by a particular elector shall be prima facie evidence that such vote was cast by such elector.”</p> <p>At the end of paragraph (8), insert “or containing the records referred to in rule 54(1A)”.</p>

6. In Schedule 5, for the directions for printing Form 5, (ballot paper for constituency members elections), substitute—

“Directions as to printing the ballot paper

1. The ballot paper shall contain no words or marks other than—
 - (a) the headings “ELECTION OF THE LONDON ASSEMBLY”, “[*Name of Constituency*]” and “CONSTITUENCY MEMBER”;
 - (b) those necessary—
 - (i) to give effect to the provisions of rules 15(2)(a), (c) and (d) and 15(3) of the CMER, and to paragraph 2 below; and
 - (ii) for its recognition and counting by the electronic counting equipment;

- (c) the instruction (to be inserted on the back of ballot papers other than postal ballot papers) “DO NOT FOLD”;
- (d) adjacent to the column in which the vote for the constituency member is to be marked, the instruction “VOTE ONCE ONLY”; and
- (e) where the GLRO has determined that two or more ballot papers shall appear on the same sheet of paper, any words or marks authorised to be printed on those ballot papers.

2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—

- (a) the space allocated to the names of the candidates shall be divided equally between them;
- (b) different fonts and sizes of character may be used for—
 - (i) surnames,
 - (ii) other names,
 - (iii) addresses, or
 - (iv) other particulars,
 but fonts and sizes of character shall not otherwise vary as between the surnames, other names, addresses and other particulars of any of the candidates;
- (c) the space allocated to the emblem of each candidate whose request for the appearance on the ballot paper of his party’s registered emblem (or one of them) has been duly made shall be the same as that allocated to the emblem of every other such candidate;
- (d) where an emblem is to be printed against a candidate’s particulars it shall be printed between the column where the candidate’s number on the ballot paper is printed and the column in which the candidate’s particulars are printed;
- (e) on the front or back of the ballot paper the number shall be printed in small characters; and
- (f) the instruction referred to in paragraph 1(c) shall be printed in large capital letters.”

7. In Schedule 5, for the directions for printing Form 6, (ballot paper for London members elections), substitute—

“Directions as to printing the ballot paper

1. The ballot paper shall contain no words or marks other than—

- (a) the headings “ELECTION OF THE LONDON ASSEMBLY”, and “LONDON MEMBER”;
- (b) those necessary—
 - (i) to give effect to the provisions of rules 16(3)(b), (d) and (e) and 16(4) of the LMER and to paragraph 2 below; and
 - (ii) for its recognition and counting by the electronic counting equipment;
- (c) the instruction (to be inserted on the back of ballot papers other than postal ballot papers) “DO NOT FOLD”;
- (d) adjacent to the column in which the vote for the for the London member is to be marked, the instruction “VOTE ONCE ONLY”; and
- (e) where the GLRO has determined that two or more ballot papers shall appear on the same sheet of paper, any words or marks authorised to be printed on those ballot papers.

2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—

- (a) the space allocated to the names of the candidates shall be divided equally between them;
- (b) different fonts and sizes of character may be used for—
 - (i) surnames,
 - (ii) other names,
 - (iii) addresses, or
 - (iv) other particulars,
 but fonts and sizes of character shall not otherwise vary as between the surnames, other names, addresses and other particulars of any of the candidates;
- (c) the space allocated to the emblem of each candidate whose request for the appearance on the ballot paper of his party's registered emblem (or one of them) has been duly made shall be the same as that allocated to the emblem of every other such candidate;
- (d) where an emblem is to be printed against a candidate's particulars it shall be printed between the column where the candidate's number on the ballot paper is printed and the column in which the candidate's particulars are printed;
- (e) on the front or back of the ballot paper the number shall be printed in small characters; and
- (f) the instruction referred to in paragraph 1(c) shall be printed in large capital letters."

8. In Schedule 5, for the directions for printing Form 7, (ballot paper for Mayoral elections), substitute—

“Directions as to printing the ballot paper

- 1. The ballot paper shall contain no words or marks other than—
 - (a) the headings “ELECTION OF MAYOR” and “YOU HAVE TWO VOTES”;
 - (b) those necessary—
 - (i) to give effect to the provisions of rules 16(3)(b), (d) and (e) and 16(4) of the MER and to paragraph 2 below; and
 - (ii) for its recognition and counting by the electronic counting equipment;
 - (c) the instruction (to be inserted on the back of ballot papers other than postal ballot papers) “DO NOT FOLD”;
 - (d) the instruction “VOTE ONCE IN EACH COLUMN”;
 - (e) adjacent to the columns in which the first preference vote and the second preference vote are to be marked, the words “1st Choice” and “2nd Choice”, respectively; and
 - (f) where the GLRO has determined that two or more ballot papers shall appear on the same sheet of paper, any words or marks authorised to be printed on those ballot papers.
- 2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—
 - (a) the space allocated to the names of the candidates shall be divided equally between them;
 - (b) different fonts and sizes of character may be used for—
 - (i) surnames,
 - (ii) other names,
 - (iii) addresses, or
 - (iv) other particulars,

but fonts and sizes of character shall not otherwise vary as between the surnames, other names, addresses and other particulars of any of the candidates;

- (c) the space allocated to the emblem of each candidate whose request for the appearance on the ballot paper of his party's registered emblem (or one of them) has been duly made shall be the same as that allocated to the emblem of every other such candidate;
- (d) where an emblem is to be printed against a candidate's particulars it shall be printed between the column where the candidate's number on the ballot paper is printed and the column in which the candidate's particulars are printed;
- (e) on the front or back of the ballot paper the number shall be printed in small characters; and
- (f) the instruction referred to in paragraph 1(c) shall be printed in large capital letters."

SCHEDULE 6

Rule 2(10)

New Schedule 12 to the GLA Elections Rules

"SCHEDULE 12

REQUIREMENTS FOR NOTICES FOR THE GUIDANCE OF VOTERS

1. Notices shall be provided for the guidance of voters at any GLA election at which a poll is to be taken.

2. Notices shall be provided for display outside polling stations and inside polling stations and inside polling booths and (subject to the following requirements of this Schedule) may differ depending upon in which of those places they are to be displayed.

3. Notices provided shall be of the same description and appearance or in a form to the like effect for use at all polling stations in all constituencies.

4. Notices shall not contain—

- (a) any matter not relating to guidance to voters as to how to exercise their vote in a manner that will ensure that it is regarded as validly cast;
- (b) any material referring to or promoting any candidate or party at the election, other than such name and particulars of such candidate or registered party as may appear on a ballot paper at the election;
- (c) any example or illustration referring to a candidate or a party that does not equally refer to all candidates and registered parties (as the case may be) at the election.

5. Notices for display inside a polling station shall contain information explaining—

- (a) which election each ballot paper is for;
- (b) how many votes a voter has in each election;
- (c) the marks to be used, and the manner in which they should be used, in order to ensure that a vote is counted for any candidate or party (as the case may be);
- (d) (in the case of an election where there is a manual count) that a voter should check the ballot paper has been stamped with an official mark;
- (e) (in the case of an election where there is a manual count) that a voter should fold the ballot paper in two before putting it in the ballot box;
- (f) where the voter is to put the ballot paper after recording his vote; and
- (g) what to do if the voter spoils a ballot paper.

6. Notices for display inside a polling station may also contain information giving examples or illustration of any of the kinds of information in paragraph 5 of this Schedule.

7. Notices for display inside a polling booth shall contain information explaining—

- (a) which election each ballot paper is for;
- (b) how many votes a voter has in each election.

8. Notices for display inside a polling booth may also contain—

- (a) the information mentioned in paragraph 5(c) to (g) of this Schedule; and
- (b) information giving examples or illustration of any of the information mentioned in paragraph 5(a) to (g) of this Schedule.

9. All notices shall be easily legible.

10. In this Schedule, “registered party” means a party registered under Part II of the Political Parties, Elections and Referendums Act 2000(a).”.

(a) 2000 c. 41.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Greater London Authority Elections (No. 2) Rules 2000 (“the GLA Elections Rules”).

Rule 2(2) amends the power of direction of the Greater London returning officer to constituency returning officers. A constituency returning officer may be given a direction relating to the discharge of any of his functions.

Rule 2(3) replaces rule 8 of the GLA Elections Rules, which applies when a GLA election is taken together with another poll that is not itself a GLA election. The combined poll provisions apply for an election for the return of the Mayor or for the return of an Assembly member taken together with one or more of the polls at—

- a parliamentary election,
- a European Parliamentary election,
- a London borough local government election,
- a London borough mayoral election, or
- a referendum (conducted under the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298)).

Rule 2(9) replaces Schedule 8 to the GLA Elections Rules with the insertion of three Schedules that set out in full the ‘combined poll’ versions of the rules for each of the GLA elections (Constituency Member Election Rules, London Member Election Rules, Mayoral Election Rules).

The “combined poll” rules incorporate the effect of the Ordinary Elections Rules (“OER”) and the OER in Schedule 4 to the GLA Elections Rules are thus disapplied in relation to combined polls.

At an election taken with a combined poll, Schedule 11 to the GLA Elections Rules provides adaptations of the ‘combined poll’ rules that apply in a case in which the votes are to be counted by electronic means.

Rules 2(5) to (8) make amendments to the rules (in Schedules 1 to 3 to the GLA Elections Rules) that apply where a GLA election is not taken in combination with the poll at another election or referendum that is not a GLA election.

The changes to the rules include provision for—

- the inclusion of information for voters in a booklet of election addresses;
- a tactile voting device to be provided at polling stations;
- the preparation, provision and display of notices for the guidance of voters, and in languages other than English and in Braille;
- the inclusion of alternative versions of information in the declaration of identity;
- the assistance of voters with disabilities;
- enabling certain authorised counting agents to be able to request a recount;
- entitling representatives of the Electoral Commission to attend polling stations and at election counts;
- the return of ballot papers by hand;
- lack of an official mark as ground for rejection of a ballot paper;
- the control and safe-keeping of documents after the election.

The changes are repeated in the 'combined poll' rules to which further modifications are made. The main modifications are—

extension of the period for delivery of nominations to the same as that at a European parliamentary election, where such polls are combined;

provision for the same ballot box to be used for ballot papers at all GLA elections, and if so, then for all combined polls;

provision for the preparation of combined declarations of identity and notices for the guidance of voters;

allowing those entitled to attend the count at a poll with which a GLA election is combined, to attend at the joint verification of ballot paper accounts;

a requirement that postal ballot papers returned to a polling station must be returned to a polling station in the area which is common to the constituency and other electoral areas in which each combined poll is taking place;

to the forms which are or may be used for all polls, such as notices in polling stations, declarations by disabled voters and declarations of identity, and which are in a common form with those required under the legislation governing the election or referendum with which the GLA election is combined.

Rule 3 revokes rule 7 of and Schedule 7 to the GLA Elections Rules, which provided for the modification of the rules relating to local authority principal area elections when they were combined with a GLA election. Separate provision for such combination is made instead by the Local Elections (Principal Areas) (Amendment) (England and Wales) Rules 2004 (S.I. 2004/223).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.