
STATUTORY INSTRUMENTS

2007 No. 236

**The National Assembly for Wales
(Representation of the People) Order 2007**

PART 2

Assembly franchise and its exercise

Manner of voting at Assembly elections

7.—(1) This article applies to determine the manner of voting of a person entitled to vote as an elector at an Assembly election.

(2) He may vote in person at the polling station allotted to him under this Order, unless he is entitled as an elector to an absent vote at the Assembly election.

(3) He may vote by post if he is entitled as an elector to vote by post at the Assembly election.

(4) If he is entitled to vote by proxy at the Assembly election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under this Order for a ballot paper for the purpose of voting in person, in which case he may vote in person there.

(5) If he is not entitled as an elector to an absent vote at an Assembly election but cannot reasonably be expected to go in person to the polling station allotted to him under this Order by reason of the particular circumstances of his employment—

- (a) as a constable;
- (b) by a constituency returning officer, in the case of a constituency election;
- (c) by a regional returning officer, in the case of a regional election; or
- (d) by a constituency returning officer, in the case of a regional election where that officer is exercising functions in relation to the election,

on the date of the poll for a purpose connected with the election (subject to paragraph (7)), he may vote in person at any polling station in an Assembly constituency as set out in paragraph (6).

(6) A person to whom paragraph (5) applies may vote in person at a polling station in the Assembly constituency —

- (a) for which the election is being held, in the case of a constituency election; or
- (b) in which he is entitled to give his vote, in the case of a regional election.

(7) Where the polls at a constituency election and a regional election are to be taken together and a person is employed at those elections for a purpose connected with only one of those two elections at which he is entitled to give a vote, he shall be treated for the purposes of paragraph (5) as employed for a purpose connected with both elections; provided that, if a person is so treated, in exercising the right conferred by paragraph (5) those votes shall be given at the same polling station.

(8) Nothing in the preceding provisions of this article applies to a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of

any enactment, to be detained in the mental hospital in question, whether he is registered by virtue of that provision or not; and such a person may vote—

- (a) in person (where he is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission); or
- (b) by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(9) Nothing in the preceding provisions of this article applies to a person to whom section 7A of the 1983 Act (persons remanded in custody) applies whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(10) For the purposes of this Order a person entitled to vote as an elector at an Assembly election is entitled to vote by post or entitled to vote by proxy at the election if paragraph (11) or (12) (as the case may be) applies to him in relation to the election.

(11) This paragraph applies to a person who is shown in the postal voters list mentioned in article 10(2) as entitled to vote by post at an election.

(12) This paragraph applies to a person who is shown in the list of proxies mentioned in article 10(3) as entitled to vote by proxy at an election.

(13) Paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 49(4) or (6) of Schedule 5.