

## SCHEDULE 3

### THE MAYORAL ELECTION RULES

## PART 4

### Contested Elections

#### **Poll to be taken by ballot**

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

#### **The ballot papers**

17.—(1) The ballot of every person entitled to a mayoral vote at the election must consist of a ballot paper which must be in the appropriate form.

(2) Each person remaining validly nominated at the election, after any withdrawals, and no other, is entitled to have their name inserted in the ballot paper at that election.

(3) Every ballot paper—

- (a) must be printed in accordance with the directions set out in the Forms Schedule,
- (b) must contain the names and other particulars of the candidates as shown in the statement of persons nominated,
- (c) must have a number and other unique identifying mark printed on the back, and
- (d) may, in the case of ballot papers for use at polling stations, be marked with the words “do not fold”.

(4) If a candidate who is the subject of a party’s authorisation under rule 6(5) so requests, the ballot paper must 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 candidate’s request under paragraph (4) 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 must 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) The GLRO must supply the ballot papers for use at the election to the CRO by such date as may be agreed between them.

(8) The ballot papers supplied under paragraph (7) must be of a different colour from those used at any other Authority election with which the election is taken.

#### **The corresponding number list**

18.—(1) The CRO must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 23(1) or provided by him in pursuance of rule 28(1).

(2) The list must be in the appropriate form or a form to like effect.

(3) At an ordinary election, the same list may be used for each Authority election with which the election is combined.

### **The official mark**

- 19.**—(1) Every ballot paper must contain an appropriate security marking (the official mark).
- (2) The official mark must be kept secret, and an interval of not less than five years must intervene between the use of the same official mark at any Authority election.
- (3) The GLRO may use a different official mark for different purposes at the same election.

### **Prohibition of disclosure of vote**

- 20.** No person who has voted at the election may, in any legal proceeding to question the election, be required to state for whom he has voted.

### **Use of schools and public rooms**

- 21.**—(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) In relation to an election to fill a vacancy in the office of the Mayor, the CRO must 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**

- 22.**—(1) The GLRO must, in accordance with the timetable in rule 3, publish notice of the poll stating—
- (a) the day and hours fixed for the poll,
  - (b) particulars of each candidate remaining validly nominated,
- and rule 11(6) applies in relation to the order in which names and particulars appear on the notice of the poll as it applies in relation to the statement of persons nominated.
- (2) The CRO must, 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 must as soon as practicable after giving such a notice give a copy of it to each of the election agents.
- (3) At an ordinary election, the notice of poll must include the heading “GREATER LONDON AUTHORITY ELECTION”.

### **Postal ballot papers**

- 23.**—(1) The CRO must, in accordance with regulations made under the 1983 Act<sup>(1)</sup>, issue to those entitled to vote by post a ballot paper and a postal voting statement, together with such envelopes for their return as may be prescribed in such regulations.

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(1) See the Representation of the People (England and Wales) Regulations 2001 [S.I. 2001/341](#) as amended by [S.I. 2002/1871](#), [2006/752](#) and [S.I. 2006/2910](#).

- (2) The postal voting statement must be in the appropriate form or a form to like effect.
- (3) The postal voting statement must include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).
- (4) The CRO must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—
  - (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper,
  - (b) a translation into Braille of such directions or guidance,
  - (c) graphical representations of such directions or guidance,
  - (d) the directions or guidance in any other form (including any audible form).
- (5) In the case of a ballot paper issued to a person at an address in the United Kingdom, the CRO must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.
- (6) Where the proceedings on the issue and receipt of postal ballot papers at the election are taken together with any other Authority election the appropriate form of postal voting statement under paragraph (2) may be the joint postal voting statement which must be in the appropriate form or form to like effect.

#### **Provision of polling stations**

- 24.—**(1) The CRO must provide a sufficient number of polling stations and, subject to the following provisions of this rule, must allot the electors to the polling stations in 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 Assembly constituency must, in the absence of special circumstances, be in the parliamentary polling place for that district, unless that place is outside the Assembly constituency.
  - (4) The CRO must 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**

- 25.—**(1) The CRO must 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 must 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 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**

- 26.—**(1) The CRO must as soon as practicable after the publication of the notice of election, send to electors and their proxies an official poll card.
- (2) An elector's official poll card must 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 must be in the appropriate form or a form to like effect, and must set out—

- (a) that the election is a mayoral election,
- (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, and
- (d) such other information as the CRO thinks appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different electors or descriptions of elector.

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the polling card must contain such matter as is specified in the appropriate form.

(5) At an ordinary election, the CRO must issue a combined poll card in the appropriate form.

(6) In this rule “elector” means—

- (a) an elector with an entry on the register to be used at the election on the last day for the publication of the notice of the election, and
- (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

### **Information for voters**

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

(2) The information for voters given in the election booklet may include information about—

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

subject to paragraph (3), may include any other information given in exercise of the GLRO's duty under section 69 (encouraging electoral participation) of the 2006 Act.

(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**

**28.**—(1) The CRO must provide each presiding officer with—

- (a) such ballot papers as may be necessary, and
- (b) such ballot boxes as may be necessary having taken account of any direction made by the GLRO in accordance with paragraph (9).

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

(3) The CRO must provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,
- (b) copies of the register of electors for such part of it as contains the entries relating to the electors allotted to the station,
- (c) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (b),
- (d) a list consisting of that part of the list prepared under rule 18 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.

(4) The reference in paragraph (3)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act<sup>(2)</sup> in respect of alterations to the register.

(5) The CRO must also provide each polling station with 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 40.

(6) The device referred to in paragraph (5) 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.

(7) The enlarged sample copies of the ballot paper that the GLRO is required to provide, or cause to be displayed at every polling station (in accordance with section 199B(5) and (7) of the 1983 Act) must—

- (a) be provided to the CRO who will deliver them to the polling stations, and
- (b) be printed on paper of the same colour as the ballot paper at the election.

(8) The CRO must also provide each polling station with notices for the guidance of voters, which must be exhibited—

- (a) outside the polling station,
- (b) inside the polling station—
  - (i) in the communal areas, and
  - (ii) in every voting compartment.

(9) If the GLRO thinks fit he may, not later than the date of the notice of election, direct the CRO that joint ballot boxes must be used for the ballot papers at the election and any or all Authority elections with which the election is taken.

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

**Notices for the guidance of voters**

**29.**—(1) The GLRO must prepare and provide each CRO with the notices to be exhibited under rule 28(8).

(2) The GLRO may provide each CRO with versions of the notices in such other form as he thinks appropriate, in accordance with section 199B (translations etc of certain documents) of the 1983 Act.

(3) Notices for the guidance of voters exhibited under rule 28(8) or paragraph (2) must be in the appropriate form, but may include such alternative information relating to Authority elections as—

- (a) meets with the requirements of the Notices Schedule, and
- (b) the GLRO may decide.

(4) Notices provided under paragraph (2) may, if the CRO agrees, be exhibited at any polling station—

- (a) outside the polling station,
- (b) inside the polling station—
  - (i) in the communal areas,
  - (ii) in every voting compartment.

**Appointment of polling and counting agents**

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

- (a) polling agents to attend at polling stations for the purpose of detecting personation, and
- (b) counting agents to attend at the 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, may 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 must determine by lot which agents are permitted to attend, and only the agents on whom the lot falls will be deemed to have been duly appointed.

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

- (a) the number is the same in the case of each candidate, and
- (b) the number allowed to a candidate must 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 of polling and counting agents, stating the names and addresses of the persons appointed, must be given by the candidate to the CRO and must be so given not later than the fifth day (computed in accordance with rule 4) before the day of the poll.

(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 must forthwith give to the CRO notice in writing of the name and address of that other person.

(10) 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.

(11) In the following provisions of this Part references to polling agents and counting agents must 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 will not, if the act or thing is otherwise duly done, invalidate the act or thing done.

#### **Notification of requirement of secrecy**

**31.** The CRO must 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 (requirement of secrecy) of the Representation of the People Act 1983<sup>(3)</sup>, 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.

#### **Return of postal ballot papers**

**32.—**(1) Where—

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

the CRO must mark the list in the manner prescribed by regulations made under the 1983 Act<sup>(4)</sup>.

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

#### **Admission to polling station**

**33.—**(1) The presiding officer must exclude all persons from the polling station except—

- (a) voters,
- (b) persons under the age of 18 who accompany voters to the polling station,

<sup>(3)</sup> 1983 c. 2; Section 66 of that Act was amended by the Electoral Administration Act 2006 (c. 22).

<sup>(4)</sup> 1983 c. 2; Regulation 84A of the Representation of the People (England and Wales) Regulations 2001 S.I. 2001/341 as amended by S.I. 2006/2910 provides the circumstances in which a postal vote should be treated as returned for this purpose.

- (c) the candidates and their election agents,
  - (d) the polling agents appointed to attend at the polling station,
  - (e) the clerks appointed to attend at the polling station,
  - (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,
  - (g) the constables on duty, and
  - (h) the companions of voters with disabilities.
- (2) The presiding officer must regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.
- (3) Not more than one polling agent may be admitted at the same time to a polling station on behalf of the same candidate.
- (4) A constable or person employed by the CRO must 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 must 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.
- (5) Any certificate surrendered under this rule must forthwith be cancelled.

#### **Keeping of order in station**

- 34.**—(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 must 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 must 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**

- 35.** Immediately before the commencement of the poll, the presiding officer must—
- (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**

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

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

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
1	A person applying as an elector	(a) —Are you the person registered in the register of local government electors for this election as follows ( <i>read the whole entry from the register</i> )? [R] (b) —Have you already voted, here or elsewhere in Greater London at this election for the Mayor of London, otherwise than as proxy for some other person? [R]
2	A person applying as proxy	(a) —Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.? [R] (b) —Have you already voted here or elsewhere in Greater London at this election for the Mayor of London, as proxy on behalf of C.D.? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of C.D.? [R]
3	A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2)	(a) —Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is ( <i>read out the number</i> )? [R] (b) —Have you already voted here or elsewhere in Greater London as proxy on behalf of the elector whose number on the register of electors is ( <i>read out the number</i> )? [R] (c) —Are you the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the person whose number on the register of electors is ( <i>read out the number</i> )? [R]
4	A person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	Have you already voted here or elsewhere in Greater London at this election for the Mayor of London, on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild? [R]
5	A person applying as an elector in relation to whom there is an entry in the postal voters list	(a) —Did you apply to vote by post? (b) —Why have you not voted by post?

<i>Q. No.</i>	<i>Person applying for ballot paper</i>	<i>Question</i>
6	A person applying as proxy who is named in the proxy postal voters list	(a) —Did you apply to vote by post as proxy? (b) —Why have you not voted by post as proxy?

(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under those subsections.

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

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

### **Challenge of voter**

**37.** A person must not be prevented from voting because—

- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

### **Voting procedure**

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

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors must be called out,
- (b) the number of the elector must be marked on the list mentioned in rule 28(3)(d) beside the number of the ballot paper to be issued to him,
- (c) a mark must be placed in the register of electors against the number of the elector to note that a ballot paper has been applied for but without showing the particular ballot paper which may be delivered,
- (d) in the case of a person applying for a ballot paper as proxy, a mark must also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number may be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (1) is modified as follows—

- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”,
- (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, must forthwith proceed into one of the compartments in the polling station and there secretly mark his paper, and must then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper into the ballot box in the presiding officer’s presence, but so as to conceal his vote.

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

(6) A voter who has had a ballot paper delivered to him under paragraph (1), but has decided not to mark it, may return it to the presiding officer and where the voter does so, the presiding officer must—

- (a) immediately cancel the ballot paper, and for the purposes of these rules treat it as a spoilt ballot paper,
- (b) place a mark beside the number of that ballot paper on the corresponding number list to show that the ballot paper has been cancelled.

(7) At an ordinary election, the same copy of—

- (a) the list of proxies,
- (b) the list mentioned in rule 28(3)(d),
- (c) the register of electors,
- (d) any notice issued under section 13B(3B) or (3D) of the 1983 Act (marked in the case of an elector who is added to the register in pursuance of such a notice),

may be used for each Authority election and one mark may be placed in the list, register or notice (as the case may be) to denote that a ballot paper has been delivered in respect of each Authority election; except that, where a ballot paper has not been issued in respect of any Authority election, a different mark must be placed in the list, register or notice so as to identify the elections in respect of which a ballot paper was issued.

### **Votes marked by presiding officer**

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

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

must, 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, must be entered on a list (in these Rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name must be the elector's number.

(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act<sup>(5)</sup>, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

(4) At an ordinary election, the same list may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that the ballot papers were so marked in respect of each Authority election, unless the list identifies the election for which the ballot paper was so marked.

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(5) Section 13B of the 1983 Act was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22). Subsections (3B) and (3D) of section 13B were inserted by section 11(4) of the Electoral Administration Act 2006 (c.22).

**Voting by persons with disabilities**

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

- (a) blindness or other disability, 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 must require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, 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 must 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 may 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, spouse, civil partner, 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 must be entered on a list (in these Rules referred to as the “list of voters with disabilities assisted by companions”).

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

(5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(6) The declaration made by the companion—

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

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

(8) At an ordinary election, the same list of voters with disabilities assisted by companions may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that the votes were so given in respect of each Authority election, unless the list identifies the election for which the vote was so given.

### **Tendered ballot papers: circumstances where available**

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

- (a) a particular elector named in 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 must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named in the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named in the register who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person must, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the provisions of this rule and rule 42, to mark a ballot paper (in these Rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

### **Tendered ballot papers: general provisions**

**42.**—(1) A tendered ballot paper must—

- (a) be of a colour differing 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 on the register of electors, and set aside in a separate packet.

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

(3) 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 must be the number of that elector.

(4) In the case of an elector who has an anonymous entry, this rule and rule 41 apply subject to the following modifications—

- (a) in paragraphs (1)(b) and (2) above, the references to the name of the voter must be ignored,
  - (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears in the register or list (as the case may be).
- (5) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, this rule and rule 41 apply as if—
- (a) in rule 41(1)(a), (2)(a) and (5)(a), for “named in the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”,
  - (b) in paragraph (1)(b) of this rule for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”,
  - (c) in paragraph (2) of this rule, for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.
- (6) At an ordinary election, the same list may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that tendered ballot papers were marked in respect of each Authority election, unless the list identifies the election for which a tendered ballot paper was delivered.

### **Spoilt and replacement ballot papers**

**43.**—(1) 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 a replacement for the ballot paper so delivered (in these Rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper must be immediately cancelled.

(2) If a voter decides, after he has returned his ballot paper and it has been cancelled in accordance with rule 38(6), but before the close of the poll, that he wishes to vote in the election, he may obtain a replacement for the returned ballot paper.

(3) Before a replacement ballot paper is obtained, the presiding officer must mark the corresponding number list that was marked under rule 38(1) (the corresponding number list)—

- (a) in the case of a ballot paper being replaced under paragraph (1) or (2), beside the number of the replacement ballot paper obtained to show—
  - (i) the number of the elector, and
  - (ii) the number of the ballot paper which is being replaced; and
- (b) in the case of a ballot paper being replaced under paragraph (1), beside the number of the spoilt ballot paper to show that the ballot paper was replaced.

(4) At an ordinary election, the voter must only receive a replacement for a spoilt or returned ballot paper.

(5) If the same corresponding number list is used for more than one Authority election in accordance with rule 38(7)—

- (a) the marks made under paragraph (3) must identify the election for which a ballot paper has been replaced, and
- (b) any ballot paper which the voter has not applied for or obtained as a replacement, but which bears the same ballot paper number as a ballot paper delivered under rule 38(1), or obtained under paragraph (1) or (2) of this rule—
  - (i) must not be delivered to the voter,
  - (ii) must be cancelled, and

(iii) for the purposes of these rules, must be treated as a spoilt ballot paper.

#### **Correction of errors on day of poll**

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

(2) At an ordinary election, the same list may be used for each Authority election, and where it is so used, an entry in that list must be taken to mean that ballot papers were delivered in respect of each Authority election, unless the list identifies the election for which a tendered ballot paper was delivered.

#### **Adjournment of poll in case of riot**

**45.—**(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings till the following day and must forthwith give notice to the CRO.

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

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

(3) As soon as practicable after the CRO has received notice of the adjournment of a poll he must inform the GLRO of that fact and of the cause of its adjournment.

#### **Procedure on close of poll**

**46.—**(1) As soon as practicable after the close of the poll, the presiding officer must, in the presence of the polling agents, make up into separate packets, 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 (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies,
- (e) the list prepared under rule 18, including the part completed in accordance with rule 38(1)
  - (b) (together referred to in these Rules as “the completed corresponding number list”),
- (f) the certificates as to employment on duty on the day of the poll,
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 44, and the declarations made by the companions of voters with disabilities,

and must 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 must be approved by the CRO.

(2) The contents of the packets referred to in paragraph (1)(b), (c) and (f) must not be combined with the contents of the packets made under the corresponding rule that applies at any other Authority election.

(3) The marked copies of the register of electors and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number list or the certificates as to employment on duty on the day of the poll.

(4) The packets must 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.

(5) At an ordinary election, the statement referred to in paragraph (4) may be combined with the statements produced in relation to other Authority elections and the combined statement must be arranged in such manner as the GLRO may direct.

#### **Attendance at verification and the local count**

**47.—**(1) As soon as practicable after the close of the poll, the CRO must make arrangements for carrying out, in the presence of the counting agents appointed for the purposes of the election, the verification and the counting of votes and must give to the counting agents notice in writing of the time and place at which he will begin to verify and count the votes.

(2) No person other than—

- (a) the CRO and his clerks and technical assistants,
- (b) the GLRO,
- (c) the candidates and one other person chosen by each of them,
- (d) the election agents,
- (e) the counting agents,
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Act,

may be present at the verification and counting of the votes, unless permitted by the CRO to attend.

(3) A person not entitled to attend the verification and local count must not be permitted to do so by the CRO unless he—

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

(4) The CRO must 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.

#### **Use of the electronic counting system**

**48.—**(1) The GLRO may provide the CRO with an electronic counting system consisting of computer hardware, software and other equipment or services, for the purpose of counting the number of ballot papers, to verify the ballot paper accounts and to count the votes cast on them.

(2) Any verification of ballot paper accounts, count or re-count at the election conducted using the electronic counting system must be conducted in accordance with rule 49.



(3) If the GLRO has provided the CRO with an electronic counting system for use at the election, the CRO must obtain the prior written consent of the GLRO before he may conduct the verification of ballot paper accounts or count the votes manually.

(4) If the verification of ballot paper accounts, count or re-count has commenced using the electronic counting system but has not been completed, the CRO may, if he considers it appropriate, discontinue the count and instead count the votes manually.

(5) Where the count or a re-count has been conducted using the electronic counting system, the CRO may, if he considers it appropriate, conduct any re-count without using that system.

(6) Where verification or any count or re-count is conducted using the electronic counting system, any of the steps referred to rule 49, in so far as practicable, may be undertaken—

- (a) concurrently with any other of those steps, or
- (b) in a different order.

### **Verification and the local count**

**49.—**(1) The CRO must—

- (a) open the ballot boxes from each polling station together, in the presence of the counting agents appointed for the purposes of the election and any other Authority election with which is its combined,
- (b) cause the electronic counting system to count such of the postal ballot papers as have been duly returned in accordance with paragraphs (2) and (3) and record separately the number counted,
- (c) not mix the contents of any ballot box with the contents of any other ballot box during the conduct of any count or re-count.

(2) A postal ballot paper must not be taken to be duly returned unless—

- (a) it is returned in the manner set out in paragraph (3) and reaches the CRO or any polling station in the Assembly constituency that includes the electoral area for which the elector is registered as a local government elector, before the close of the poll,
- (b) the postal voting statement, duly signed, is also returned in the manner set out in paragraph (3) and reaches him or such polling station before that time,
- (c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
- (d) in a case where the steps for verifying the date of birth and signature of an elector or proxy have been prescribed by regulations made under the 1983 Act<sup>(6)</sup>, the CRO (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).

(3) The manner in which any postal paper or postal voting statement may be returned—

- (a) to the CRO, is by hand or by post,
- (b) to a polling station in the Assembly constituency, is by hand.

(4) After completing the proceedings under paragraph (1), the CRO must cause the electronic counting system to process the ballot papers so as to —

- (a) count the number of ballot papers,
- (b) count the number of first preference votes given for each candidate, and
- (c) record the way that second preference votes have been given on the ballot papers.

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<sup>(6)</sup> See regulation 85 and 85A of the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#)), which were inserted by [S.I. 2006/2910](#).

(5) The CRO must not cause the electronic counting system to count any tendered ballot paper.

(6) The CRO must verify each ballot paper account by comparing it with the number of ballot papers processed by the electronic counting system, 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 must draw up a statement as to the result of the verification, which any election agent may copy.

(7) The CRO, while verifying the ballot paper accounts and counting the votes, must take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(8) The CRO must so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that the hours between 5 in the afternoon and 10 on the following morning may be excluded with the prior consent of the GLRO.

(9) During the time so excluded the CRO must—

- (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.

### **Rejected ballot papers**

**50.**—(1) Any ballot paper—

- (a) which does not bear the official mark,
- (b) on which anything is written or marked by which the voter can be identified except the printed number and other unique identifying mark on the back,
- (c) which is unmarked,
- (d) which is void for uncertainty,

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

(2) A ballot paper on which a 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,

must not for such reason be void if—

- (i) at an election at which more than two candidates remain validly nominated, an intention that a first preference vote be given for not more than one of the candidates clearly appears,
- (ii) at any other election, an intention that a vote is for one only of the candidates clearly appears.

(3) A ballot paper—

- (a) which is not void, and
- (b) on which an intention that a second preference vote be given for not more than one of the candidates clearly appears,

will be valid as respects that second preference vote and must be counted accordingly.

(4) Where the electronic counting system identifies a ballot paper that has been marked, but which appears—

- (a) to be void, or
- (b) to contain a first preference vote that can be counted, and another mark that cannot be counted as a second preference vote,

then that ballot paper must be examined by a clerk appointed by the CRO in the manner referred to in paragraph (7).

(5) If the clerk, having examined the ballot paper, considers that—

- (a) it is void, or
- (b) that it is marked with a first preference vote that can be counted, but that it is not marked with a second preference vote that can be counted,

then the CRO must examine it in the manner referred to in paragraph (7).

(6) After the CRO examines the ballot paper, he must give his decision as to whether or not—

- (a) it is void, or
- (b) it is marked with a second preference vote that can be counted.

(7) An examination under paragraph (4) or (5) is to be made by the clerk or CRO examining an image of the ballot paper which is shown on a screen so as to be visible to those attending the count.

(8) The CRO may examine any ballot paper that he is not required to examine in accordance with paragraphs (5)—

- (a) either in the manner referred to in paragraph (7), or
- (b) by examining a paper copy,

and where the CRO does so, he must give a decision on that paper in accordance with paragraph (6),

(9) No person attending the count is to be entitled to require the clerk or CRO to examine a ballot paper or to provide a paper copy for inspection.

(10) A record of the CRO's decision under paragraph (6) must be retained in the electronic counting system together, in the case of a decision that the ballot is void, with his reasons by reference to paragraph (1).

(11) If a counting agent objects to the CRO's decision that the ballot paper—

- (a) is void, or
- (b) is marked with a second preference vote that cannot be counted,

the CRO must record on the electronic counting system that the decision was objected to.

(12) A record must be retained in the electronic counting system of the number of ballot papers which are not void, but on which a second preference vote has not been counted because—

- (a) a vote has not been marked,
- (b) a vote has been given for more than one candidate, or
- (c) there is uncertainty as to for whom a vote was given.

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

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

(14) As soon as practicable after the completion of the statement under paragraph (13) the CRO must inform—

- (a) such candidates, election agents and counting agents as are present at the count, and
- (b) the GLRO,

of its contents.

(15) The CRO must also include in the statement drawn up under paragraph (13), the numbers of second preference votes for which a record has been retained, set out under the several heads in subparagraphs (12)(a) to (c).

### **Decisions on ballot papers**

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

### **Re-count**

**52.—**(1) A candidate or his election agent or a counting agent authorised under rule 30(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 may 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 30(1) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(3) The CRO may determine the extent to which any re-count involves the electronic counting of votes.

(4) When the returning officer uses the electronic counting system for the re-counting of votes, he must not re-consider any decision made on any ballot paper under rule 50(6).

### **Procedure at conclusion of local count**

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

- (a) the total number of ballot papers used,
- (b) the total number of rejected ballot papers,
- (c) at an election contested by more than two candidates—
  - (i) the total number of first preference votes given,
  - (ii) the number of first preference votes given for each candidate, and
  - (iii) the total number second preference votes given for each candidate correlated with the way the first preference votes have been cast.
- (d) at an election contested by only two candidates, the number of votes given for each candidate.

(2) As soon as practicable after the statement is drawn up under paragraph (1), the CRO must inform the GLRO of its contents, and if it is practicable to do so, must also provide that information so as to show the total number of votes under each of those heads in each ward as defined by rule 57(6)..

(3) As soon as practicable after the GLRO has authorised him to do so, the CRO must—

- (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 50 and paragraph (1) of this rule, and
- (b) give public notice of the contents of those statements.

### **Attendance at the central calculation**

**54.**—(1) The GLRO must make arrangements for making the calculations made under rules 55 and 56 in the presence of the election agents and he must 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 CROs and a clerk or technical assistant chosen by each of them,
- (c) the candidates and one person chosen by each of them,
- (d) the election agents,
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,
- (f) at an ordinary election, the persons permitted to be present at the allocation of seats for London Members of the London Assembly,

may be present at a calculation, unless permitted by the GLRO to attend.

(3) A person not entitled to attend a calculation must 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**

**55.**—(1) As soon as the GLRO has received the information required by rule 53 from every CRO he must—

- (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 must inform such of the election agents as are then present of the relevant figures and must give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(3) 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) 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 must be made in accordance with rule 57, or
- (b) if paragraph 4(1) of that Schedule applies (no candidate with overall majority of first preference votes), the GLRO must proceed with the second calculation in accordance with Part 5.

**Status:** This is the original version (as it was originally made).

(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 must be made in accordance with rule 57.