

SCHEDULE 3

REFERENDUM RULES

PART 3

Action to be taken before the poll

Notice of poll

11.—(1) The counting officer must give public notice of the poll not later than the sixteenth day before the date of the poll at the referendum.

(2) The notice must be in English and Welsh and must state —

- (a) the date of the poll at the referendum;
- (b) the hours of polling;
- (c) the question to appear on the ballot paper and the statement to precede that question on the ballot paper;
- (d) the situation of each polling station in the counting officer's area;
- (e) a description of voters entitled to vote at each polling station; and
- (f) the date by which the following applications must reach the registration officer in order that they may be effective for the referendum —
 - (i) applications to vote by post or by proxy; and
 - (ii) other applications and notices about postal or proxy voting.

(3) As soon as practicable after giving the notice under paragraph (2), the counting officer must give a copy of it to each of the referendum agents appointed for the officer's area.

Postal ballot papers

12.—(1) The counting officer must in accordance with Schedule 2 issue to those entitled to vote by post —

- (a) a ballot paper; and
- (b) a postal voting statement,

together with the envelopes for their return (in accordance with paragraph 8 of Schedule 2).

(2) The counting officer must also issue to those entitled to vote by post information about how to obtain —

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

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

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Provision of polling stations

- 13.**—(1) The counting officer must —
- (a) provide a sufficient number of polling stations;
 - (b) allot the electors to the polling stations, in accordance with this rule, in such a manner as the counting officer 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 polling district must be the polling place for that district⁽¹⁾.
- (4) The counting officer 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

- 14.**—(1) The counting officer must appoint and pay —
- (a) a presiding officer to attend each polling station, and
 - (b) such clerks as may be necessary for the purposes of the referendum.
- (2) An appointment under paragraph (1) must be in writing.
- (3) The counting officer may not appoint any person under paragraph (1) who has been employed by or on behalf of a permitted participant in or about the referendum.
- (4) The counting officer may, if the counting officer thinks fit, preside at a polling station and the provisions of these Rules relating to a presiding officer apply to a counting officer who so presides with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.
- (5) A presiding officer may authorise a clerk appointed in accordance with this rule to do any act (including the asking of questions) which the presiding officer is required or authorised by these Rules to do at a polling station, except ordering the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

- 15.**—(1) The counting officer must as soon as practicable after the publication of notice of the referendum, send to voters an official poll card in accordance with this rule.
- (2) Subject to paragraph (4), in the case of —
- (a) an elector, the official poll card must be sent or delivered to that person’s qualifying address; and
 - (b) a proxy, the official poll card must be sent or delivered to the proxy’s address as shown in the list of proxies.
- (3) The official poll card must set out —
- (a) except in the case of an elector who has an anonymous entry in the register, the elector’s name, qualifying address and number on the register;
 - (b) the date and hours of the poll and the situation of the voter’s polling station; and
 - (c) such other information as the counting officer considers appropriate and different information may be provided in pursuance of this sub-paragraph to different voters or descriptions of voters.

(1) See article 6 for further provisions about polling districts and polling stations.

- (4) In the case of an elector with an anonymous entry in the register—
 - (a) where the elector has given another address in the application under regulation 31G of the 2001 Regulations, the official poll card must be sent or delivered to that other address; and
 - (b) instead of containing the matter mentioned in paragraph (3)(a), the official poll card must contain such matter as is specified in the appropriate form referred to in paragraphs (5), (6), (7) or (8).
- (5) The official poll card issued to an elector must be in the form F set out in Schedule 6.
- (6) The official poll card issued to a proxy must be in the form G set out in Schedule 6.
- (7) The official postal poll card issued to an elector must be in the form H set out in Schedule 6.
- (8) The official postal poll card issued to a proxy must be in the form I set out in Schedule 6.
- (9) In this rule any reference to an elector means a person who is registered in the register on the last day for publication of the notice of the referendum.
- (10) In paragraph (9) the reference to a person who is so registered includes a person then shown in that register as below voting age if (but only if) it appears from the register that that person will be of voting age on the day fixed for the poll.

Equipment of polling stations

16.—(1) The counting officer must provide each presiding officer with such number of ballot boxes and ballot papers as the counting officer considers necessary.

(2) Each ballot box must be constructed so that the ballot papers can be put in, but cannot be withdrawn from it without the seal being broken.

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

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register or such part of it as contains the entries relating to the electors allotted to the polling station;
- (c) the parts of any lists of persons entitled to vote by post or by proxy prepared for the referendum corresponding to the register or the part of it provided under sub-paragraph (b);
- (d) a list (which must be in the form J set out in Schedule 6) consisting of that part of the corresponding number list 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; and
- (e) copies of forms of declarations and other documents required for the purposes of the poll.

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

(5) The counting officer must also provide each polling station with —

- (a) at least one enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially-sighted, which must be displayed inside the polling station; and
- (b) a device of the description set out in paragraphs (6) and (7) for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion⁽²⁾.

(6) The device referred to in paragraph (5)(b) must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(2) See rule 27 as to the meaning of “companion”.

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(7) On one side of the device there must be tabs of equal size which satisfy the conditions in paragraphs (8) to (11).

(8) The tabs must be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of the answers on the ballot paper and on which the vote is to be marked (“the relevant space”).

(9) Each tab must be numbered so that when the device is positioned over the ballot paper, the number of each tab corresponds to that of the answer, the details of which are to the left of the relevant space covered by the tab in question.

(10) Each number on a tab must be in raised form so that it can be clearly identified by touch.

(11) Each tab must be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

(12) The counting officer must cause to be displayed at every polling station an enlarged sample copy of the ballot paper.

(13) The sample copy mentioned in —

(a) paragraphs (5)(a) and (12) must be clearly marked as a specimen provided only for the guidance of voters in voting;

(b) paragraph (12) must have printed the words “Vote (X) in one box only” and “Pleidleisiwch (X) mewn un blwch yn unig” both at the top and immediately below the referendum question on the front of the ballot paper;

(c) paragraph (12) may, below the second occurrence of those words, include a translation of those words into such other languages as the counting officer thinks appropriate.

(14) A notice in the form K set out in Schedule 6, giving directions for the guidance of voters in voting, must be printed in conspicuous characters and exhibited inside and outside every polling station.

(15) In every compartment of every polling station there must be exhibited the following notice (adapted so far as circumstances require)—

“REFERENDUM

Vote (X) in one box only.

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

REFFERENDWM

Pleidleisiwch (X) mewn un blwch yn unig.

Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”

Appointment of polling and counting agents

17.—(1) A referendum agent may, before the commencement of the poll, appoint—

(a) polling agents to attend at polling stations for the purpose of detecting personation;

(b) counting agents to attend at the counting of the votes.

(2) A referendum agent may, for each count, designate one counting agent appointed under paragraph (1) as a person authorised to require a re-count under rule 37; and a designation under this paragraph must be made at the same time as the person’s appointment as a counting agent.

- (3) In paragraph (2), “count” includes a re-count and “re-count” includes a further re-count.
- (4) The counting officer may limit the number of counting agents that may be appointed, so long as—
 - (a) the number that may be appointed by each referendum agent is the same, and
 - (b) the number that may be appointed by each referendum agent is not (except in special circumstances) less than the number obtained by dividing the number of clerks employed on the counting by the number of referendum agents.
- (5) For the purposes of paragraph (4)(b), a counting agent appointed by more than one referendum agent is to be treated as a separate agent for each of them.
- (6) A referendum agent who appoints a polling or counting agent must give the counting officer notice of the appointment by no later than the fifth day before the day of the poll.
- (7) If a polling or counting agent dies, or becomes incapable of acting, the referendum agent may appoint another agent and must give the counting officer notice of the new appointment as soon as practicable.
- (8) If a referendum agent designates a counting agent under paragraph (2) the notice under paragraph (6) or (7) must include notice of that fact.
- (9) A notice under paragraph (6) or (7)—
 - (a) must be in writing, and
 - (b) must give the name and address of the appointee.
- (10) In the following provisions of these rules, references to polling agents and counting agents are to be read as references to polling or counting agents appointed under paragraph (1) or (7)—
 - (a) whose appointments have been duly made and notified, and
 - (b) where the number of agents is restricted, who are within the permitted numbers.
- (11) Any notice required to be given to a counting agent by the counting officer may be delivered at, or sent by post to, the address stated in the notice of appointment.
- (12) A referendum agent may do or assist in doing anything that a polling or counting agent appointed by him or her is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a referendum agent instead of his or her polling or counting agents.
- (13) Where by these rules anything is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agent or agents at the time and place appointed for the purpose does not invalidate the thing (if the thing is otherwise duly done).

Notification of requirement of secrecy

- 18.**—(1) The counting officer must make such arrangements as the counting officer thinks fit to ensure that —
- (a) every person attending a polling station has been given a copy in writing of the provisions of paragraph 6(1), (3) and (6) of Schedule 4; and
 - (b) every person attending the counting of the votes has been given a copy in writing of the provisions of paragraph 6(2) and (6) of that Schedule.
- (2) Paragraph (1) does not require the provision of that information to —
- (a) a person attending the polling station for the purpose of voting;
 - (b) a person under the age of 18 accompanying a voter;
 - (c) a companion of a voter with disabilities;

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- (d) a constable on duty at a polling station or at the count.

Return of postal ballot papers

19.—(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 counting officer must mark the appropriate list accordingly.

(2) Rule 34(5) does not apply for the purposes of determining whether for the purposes of this rule, a postal vote or a proxy postal vote is returned.