

## SCHEDULES

### SCHEDULE 2

Rules for conduct of an election of councillors for a principal area where poll is taken together with poll at a relevant election

### PART 3

#### The Poll at Contested Elections

Action to be taken before the poll

#### **Notice of poll**

- 27.**—(1) The returning officer must publish notice of the poll stating—
- (a) the day and hours fixed for the poll,
  - (b) the number of councillors to be elected for the electoral ward, and
  - (c) the names and descriptions (if any) of each candidate remaining validly nominated and their home address information.
- (2) The candidates' particulars, and the order of the candidates' names, must be the same as in the statement of persons nominated.
- (3) The returning officer must, before or at the same time as publishing notice of the poll, also publish notice of—
- (a) the situation of each polling station, and
  - (b) the description of voters entitled to vote there.
- (4) The notice published under paragraph (3) must—
- (a) state that the poll at the principal area election is to be taken together with the poll at one or more relevant elections,
  - (b) specify the constituency or, as appropriate, other area to which each relevant election relates, and
  - (c) where any of the polls are to be taken together only in part of the county or county borough, specify that part.
- (5) The returning officer must, as soon as practicable after publishing notice under paragraph (3), give a copy of it to each of the election agents.
- (6) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under paragraphs (3) to (5) are to be discharged by the co-ordinating returning officer).

### **Postal ballot papers**

**28.**—(1) The returning officer must, in accordance with regulations under the 1983 Act, issue to those entitled to vote by post—

- (a) a ballot paper,
- (b) a postal voting statement in the form set out in Appendix 4 or a form to the like effect, and
- (c) such envelopes for the return of the ballot paper and postal voting statement as may be prescribed by regulations under the 1983 Act.

(2) The returning officer must also issue to those entitled to vote by post such information as the returning officer considers appropriate 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 paper,
- (b) a translation into Braille of such directions or guidance,
- (c) graphical representations of such directions or guidance, and
- (d) the directions or guidance in any other form (including any audible form).

(3) The postal voting statement must include provision—

- (a) for the form to be signed by the elector or, where the elector is voting by proxy, the proxy, unless the registration officer has dispensed with the requirement for a signature, and
- (b) for stating the date of birth of the elector or, where the elector is voting by proxy, the proxy.

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

(5) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Provision of polling stations**

**29.**—(1) The returning officer must—

- (a) provide a sufficient number of polling stations, and
- (b) allot the electors to the polling stations.

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

(3) The returning officer must provide each polling station with such number of compartments as may be necessary in which voters can mark their votes screened from observation.

(4) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Appointment of presiding officers and clerks**

**30.**—(1) The returning officer must appoint and pay—

- (a) a presiding officer to attend at each polling station, and
- (b) such number of clerks as may be necessary for the purposes of the poll or the count or otherwise for the purposes of the election.

(2) The returning officer must not knowingly appoint, as a presiding officer or clerk, a person who has been employed by or on behalf of a candidate in connection with the election.

(3) The returning officer may preside at a polling station.

(4) Where the returning officer presides at a polling station, these rules apply to the returning officer so presiding with the necessary modifications as to things done by the returning officer in relation to the presiding officer or by the presiding officer in relation to the returning officer.

(5) A presiding officer may authorise the clerks to do anything (including asking questions) that the presiding officer is required or authorised by these rules to do at a polling station, except ordering the exclusion or removal of any person from the polling station.

(6) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule in relation to the appointment of presiding officers and clerks are to be discharged by the co-ordinating returning officer).

### **Issue of official poll cards**

**31.**—(1) The returning officer must, as soon as practicable after publishing notice of the election, send or deliver—

- (a) an official poll card to electors not voting by post,
- (b) an official postal poll card to electors voting by post and not by proxy,
- (c) an official proxy poll card to a person voting as proxy for an elector and not by post, and
- (d) an official proxy postal poll card to a person voting as proxy for an elector by post.

(2) An official poll card or an official postal poll card must be sent or delivered to the elector's qualifying address.

(3) An official proxy poll card or an official proxy postal poll card must be sent or delivered to the proxy's address, as shown in the list of proxies.

(4) Each poll card must be in the appropriate form in Appendix 5 or a form to the like effect and must set out—

- (a) the name of the council to which councillors are to be elected,
- (b) the electoral ward for which councillors are to be elected,
- (c) the number of councillors to be elected for that electoral ward,
- (d) the elector's name, qualifying address and number on the register,
- (e) the date and hours of the poll and the situation of the elector's polling station, and
- (f) such other information as the returning officer considers appropriate.

(5) Different information may be provided under paragraph (4)(f) to different electors or descriptions of elector.

(6) In the case of an elector with an anonymous entry, the poll card—

- (a) must contain such information as is specified in Appendix 5 instead of the information set out in paragraph (4)(d), and
- (b) must be sent or delivered in an envelope or other form of covering so as not to disclose that the elector has an anonymous entry.

(7) If the returning officer and the returning officer for each relevant election consider it appropriate, a poll card issued under this rule may be combined with a poll card of the same type issued at each relevant election.

(8) In this rule—

- (a) "elector" means a person who is registered in the register of local government electors for the electoral ward in question on the last day for the publication of notice of the election,

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except that it includes a person then shown in the register (or, in the case of a person with an anonymous entry in the register, in the record of anonymous entries) as below voting age only if it appears from the register (or the record of anonymous entries) that the person will be of voting age on the day fixed for the poll;

- (b) “qualifying address” has the same meaning as in the 1983 Act (see section 202(1) of that Act).

### **Equipment of polling stations**

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

(2) Each ballot box must be constructed so that 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, without the seal being broken.

(3) If the returning officer considers it appropriate, the same ballot box may be used for the poll at the principal area election and the poll at each relevant election.

(4) If separate ballot boxes are to be used, each ballot box must be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election, and
- (b) information specifying the colour of the ballot papers that may be placed in the box.

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

- (a) materials to enable voters to mark the ballot papers,
- (b) copies of the relevant register of electors,
- (c) copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act so far as relating to the relevant register of electors,
- (d) copies of the parts of any lists of persons entitled to vote by post or by proxy that correspond to the relevant register of electors, and
- (e) a list (“the polling station’s corresponding number list”) consisting of that part of Part 2 of the corresponding number list prepared under rule 23 that contains the numbers, but not the other unique identifying marks, corresponding to those on the ballot papers provided to the presiding officer under paragraph (1).

(6) In paragraph (5), “the relevant register of electors” means the register of electors for the electoral ward or such part of it as contains the entries relating to the electors allotted to the polling station.

(7) The returning officer must cause to be displayed at each polling station an enlarged sample copy of the ballot paper.

(8) The returning officer must also provide each polling station with—

- (a) an enlarged hand-held sample copy of the ballot paper 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 a companion (see rules 43 to 45 for the assistance that may be obtained from the presiding officer or a companion).

(9) The sample copy of the ballot paper required to be displayed and provided by paragraphs (7) and (8)(a) must be clearly marked as specimen and provided only for the guidance of voters.

(10) The device referred to in paragraph (8)(b) 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) hold the ballot paper firmly in place during use, and
  - (c) provide a suitable means for the voter to—
    - (i) identify the spaces on the ballot paper on which votes may be marked,
    - (ii) identify the candidate to which each space refers, and
    - (iii) mark their vote on the space chosen.
- (11) The returning officer must also cause a notice in the form in Appendix 6, giving directions for the guidance of voters in voting, to be displayed—
- (a) inside each polling station (but outside the voting compartments), and
  - (b) outside each polling station.
- (12) The returning officer may also provide copies of the notice in Braille or in such languages other than English and Welsh as the returning officer considers appropriate.
- (13) A notice containing instructions for marking the ballot paper at the principal area election and each relevant election must be exhibited inside each voting compartment in each polling station and, in relation to the principal area election, that information must include the following—
- (a) where only one councillor is to be elected, an instruction to the voter to vote only once by putting a cross [X] in the box next to their choice;
  - (b) where more than one councillor is to be elected, an instruction to the voter to vote for no more than the number to be elected by putting a cross [X] in the box next to each of their choices;
  - (c) a warning to the voter to put no other mark on the ballot paper or their vote may not count.
- (14) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

### **Appointment of polling and counting agents**

- 33.**—(1) A candidate may, before the poll begins, 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 votes.
- (2) The same person may be appointed as a polling agent or counting agent by more than one candidate.
- (3) The maximum number of polling agents who may attend a polling station is four or such greater number as the returning officer may by notice permit.
- (4) If the number of polling agents appointed to attend at a particular polling station exceeds four (or any greater number that the returning officer has by notice permitted)—
- (a) the returning officer must decide which agents are permitted to attend by lot, and
  - (b) only the agents on whom the lot falls are to be treated as having been appointed.
- (5) The returning officer may impose a limit on the number of counting agents who may be appointed by each candidate but the limit—
- (a) must be the same for all the candidates, and
  - (b) unless there are special circumstances, must not be less than the number obtained by dividing the number of clerks employed at the count by the number of candidates (ignoring any remainder).

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

(7) The candidate must give a notice to the co-ordinating returning officer where polling agents or counting agents are appointed.

(8) The notice must—

- (a) give the names and addresses of the persons appointed, and
- (b) be given no later than the fifth day before the day of the poll, disregarding any excluded day.

(9) If a polling agent or counting agent dies or becomes incapable of acting the candidate—

- (a) may appoint another agent instead, and
- (b) must immediately give the co-ordinating returning officer a notice stating the other agent's name and address.

#### **Polling and counting agents: supplemental provision**

**34.**—(1) A candidate or the candidate's election agent may—

- (a) do anything that the candidate's polling or counting agent is authorised to do (or would, if appointed, have been authorised to do);
- (b) assist the candidate's polling or counting agent to do anything that the polling or counting agent is authorised to do.

(2) Anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done instead in the presence of the candidate's election agent.

(3) Where these rules require or authorise something to be done in the presence of the polling or counting agents, the non-attendance of the agent or agents at the time and place appointed does not invalidate the thing done.

(4) Where a candidate does not have a counting agent, the returning officer may give the candidate any notice that is required by these rules to be given to the counting agent.

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

**35.**—(1) The returning officer must make arrangements to ensure that every person attending at a polling station, other than a person described in paragraph (2)(a) to (d), has been given a notice setting out the provisions of section 66(1), (3) and (6) of the 1983 Act.

(2) The persons to whom the duty under paragraph (1) does not apply are—

- (a) a person attending the polling station for the purpose of voting;
- (b) a person under the age of 16 who accompanies a voter to the polling station;
- (c) a person attending the polling station as the companion of a voter with disabilities;
- (d) a person attending the polling station as a constable on duty.

(3) In this rule, a reference to a constable includes a person designated as a community support officer or community support volunteer under section 38 of the Police Reform Act 2002 (police powers for civilian staff and volunteers).

(4) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).

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

**36.**—(1) Where a postal vote has been returned in respect of a person who is entered on the postal voters list, the returning officer must mark the list in the manner prescribed by regulations under the 1983 Act.

(2) Where a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list, the returning officer must mark the list in the manner prescribed by regulations under that Act.

(3) Rule 58(2) does not apply for the purpose of deciding whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.

(4) Where the returning officer is not the co-ordinating returning officer, see also regulations 4 and 5 of the Combination of Polls Regulations (which provide for circumstances in which the functions of the returning officer under this rule are to be discharged by the co-ordinating returning officer).