

SCHEDULE 9

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

PART IV

Contested Elections: General Provisions

Poll to be taken by ballot

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

The ballot papers

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

(2) After any withdrawals under Part III—

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

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

(3) Every ballot paper—

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

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

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

(6) The request must—

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

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

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

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

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

The official mark

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

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

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

Prohibition of disclosure of vote

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

Use of schools and public rooms

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

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

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

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

Notice of poll

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

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

(d) particulars of each individual candidate remaining validly nominated, and rule 16(7) shall apply in relation to the order in which names and particulars appear on the notice of the poll as they apply in relation to ballot papers.

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

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

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

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

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

- (a) state that the poll at the GLA election is to be taken together with the poll at a relevant election or referendum as the case may be;
- (b) specify the parliamentary constituency⁽¹⁾, European Parliamentary local counting area, the relevant London borough or, as the case may be, voting area, and, in the case of an election to fill a casual vacancy, the electoral area for which the relevant election or referendum is held; and
- (c) where the polls are to be taken together in part of the Borough only, specify that part.

Postal ballot papers

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

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

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

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

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

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

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

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

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

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Provision of polling stations

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

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

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

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

Appointment of presiding officers and clerks

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

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

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by this Part to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

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

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

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

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

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

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

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

Information for voters in election booklets

25.—(1) At an ordinary election the GLRO may, in addition to a statement(2) by him in an election booklet, include in the booklet information for voters(3) that has been agreed by him with the Electoral Commission.

(2) The information for voters may be about—

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

(3) The information for voters must not contain—

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

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

Equipment of polling stations

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

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

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

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

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

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

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

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

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

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

(3) The election booklet may also include such other information as the GLRO is required or permitted by or under any enactment to publish in the booklet. See article 8(4) of the Greater London Authority Elections (Election Addresses) Order 2003 (S.I. 2003/1907).

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- (c) copies of the register of electors for the constituency or such part of it as contains the names of the electors allotted to the station;
 - (d) the parts of any special lists prepared for the election corresponding to the register of electors for the constituency or the part of it provided under sub-paragraph (c).
- (7) The CRO shall also provide each polling station with—
- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially sighted; and
 - (b) a device for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion within the meaning of rule 37.
- (8) The large version of the ballot paper referred to in paragraph 7(a) above shall be of the same colour as that of the ballot paper at the election.
- (9) The device referred to in paragraph 7(b) above must—
- (a) allow a ballot paper to be inserted into and removed from, or attached to and detached from, the device, easily and without damage to the paper;
 - (b) keep the ballot paper firmly in place during use; and
 - (c) provide suitable means for the voter to—
 - (i) identify the spaces on the ballot paper on which he may mark his vote;
 - (ii) identify the candidate to whom each such space refers; and
 - (iii) mark his vote on the space he has chosen.
- (10) Notices for the guidance of voters shall be exhibited—
- (a) outside every polling station,
 - (b) inside every polling station, and
 - (c) in every compartment of every polling station.
- (11) The CRO may also provide copies of the notice mentioned in paragraph (10) in Braille or translated into such languages other than English as he considers appropriate, provided that those notices are accurate reproductions in Braille or that other language of that notice.
- (12) A notice under paragraph (11) may be exhibited, at the discretion of the CRO, at any polling station—
- (a) outside the polling station;
 - (b) inside the polling station;
 - (c) in every compartment of the polling station.
- (13) Where there is an election for the return of the London members at an ordinary election, there shall be exhibited in the appropriate form inside each polling station a notice listing the candidates nominated by the registered political parties.

Notices for guidance of voters

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

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

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

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

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

(4) The GLRO shall provide each CRO with the notices to be exhibited under rule 26(10), except where the CRO does not discharge the functions specified in regulation 5 of the Combination of Polls Regulations.

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

Appointment of polling and counting agents

28.—(1) Subject to paragraphs (3) to (5), before the commencement of the poll—

- (a) each individual candidate; and
- (b) the election agent of each list candidate,

may appoint polling agents to attend at polling stations for the purpose of detecting personation; and counting agents to attend at the local count.

(2) The same person may be appointed as a polling agent or counting agent by, or in the case of list candidates on behalf of, more than one candidate.

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

(4) Not more than four polling agents, or such greater number as the CRO may by notice allow, shall be permitted to attend at any particular polling station.

(5) If the number of such agents appointed to attend at a particular polling station exceeds that number, the CRO shall determine by lot which agents are permitted to attend, and only the agents on whom the lot falls shall be deemed to have been duly appointed.

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

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

(7) For the purposes of the calculations required by paragraph (6)—

- (a) a counting agent appointed for more than one list candidate shall be deemed to be appointed for all the candidates on that list; and
- (b) a counting agent appointed for more than one candidate (other than a list candidate) is a separate agent for each of the candidates for whom he has been appointed;

(8) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate, or as the case may be, the election agent, to the CRO and shall be so given not later than the fifth day (computed like any period of time in the Timetable in rule 3) before the day of the poll. Notices of the appointment of polling agents and counting agents which are required by this paragraph and paragraphs (9) and (10) to be given to the CRO shall be given to the returning officer who discharges the functions specified in regulation 5 of the Combination of Polls Regulations.

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(9) If an agent dies, or becomes incapable of acting, the candidate or, as the case may be, the election agent, may appoint another person in his place, and shall forthwith give to the CRO notice in writing of the name and address of that other person.

(10) Any appointment for a candidate (other than a list candidate) authorised by this rule may be made and the notice of appointment given to the CRO by the candidate's election agent, instead of by the candidate.

(11) In the following provisions of these Rules references to polling agents and counting agents shall be taken as references to agents—

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

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

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

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

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

Notification of requirement of secrecy

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

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy of the provisions of subsections (1), (3) and (6) of section 66(4) of the Representation of the People Act 1983(5); and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy of the provisions of subsections (2) and (6) of that section.

Admission to polling station

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

- (a) the candidates and their election agents;
- (b) the polling agents appointed to attend at the polling station;
- (c) the clerks appointed to attend at the polling station;
- (d) the constables on duty;
- (e) the companions of voters with disabilities;
- (f) persons entitled to be admitted to the polling station at a relevant election or referendum; and

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

(5) 1983 c. 2.

(g) any person authorised by the Electoral Commission⁽⁶⁾ to attend at polling stations as a representative of the Commission

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

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

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

Keeping of order in station

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

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

(a) by a constable in or near that station, or

(b) by any other person authorised in writing by the CRO to remove him,

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

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

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

Sealing of ballot boxes

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

(a) show each ballot box, empty, to such persons, if any, as are present in the polling station, so that they may see that the boxes are empty;

(b) lock up such of the boxes as have locks;

(c) place his seal—

(i) on each lock; and

(ii) on each ballot box which has no lock;

(d) in such a manner as to prevent its being opened without breaking the seal;

(e) place each box in his view for the receipt of ballot papers; and

(f) keep each box locked and sealed or, as the case may be, sealed.

Questions to be put to voters

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

(a) in the case of a person applying as an elector—

⁽⁶⁾ The Electoral Commission is established pursuant to section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

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

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

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

and if that question is not answered in the affirmative the following question—

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

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

(4) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote at the London Members election.

Challenge of voter

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

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

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

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

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

Voting procedure

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

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

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(e) in the case of a person applying for a ballot paper as proxy, a mark shall be placed against his name in the list of proxies.

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

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

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

Votes marked by presiding officer

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

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

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

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

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

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

Voting by persons with disabilities

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

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

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

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and

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

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

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

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

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

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

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

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

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

Tendered ballot papers

- 38.**—(1) If a person, representing himself to be—
- (a) a particular elector named on the register and not named in the absent voters list, or
 - (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

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

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

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

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

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

Spoilt ballot papers

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

Adjournment of poll in case of riot

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

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

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

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

Procedure on close of poll

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

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

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

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

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

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

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

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

(6) Where at an ordinary election the GLRO determines, in accordance with rule 16(9), that ballot papers at the ordinary election shall be on the same sheet of paper, ballot paper accounts in relation to the ballot papers on the same sheet of paper shall also be combined.

Attendance at local count

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

- (a) make arrangements for—
 - (i) discharging the functions in rule 43(1)(the local count) in the presence of the counting agents appointed for the purposes of the London Members election and each relevant election or referendum as soon as practicable after the close of the poll, and
 - (ii) thereafter counting the votes at the election in the presence of those counting agents appointed for the purposes of the London Members election; and
- (b) give to the counting agents appointed for the purposes of the London Members election and each relevant election or referendum, notice in writing of the time and place at which he will begin to discharge the functions under rule 43(1).

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

(3) No person other than a person entitled to be present at the counting of the votes at the London Members election or a relevant election or referendum may be present at the proceedings under rule 43(1) (the local count), unless permitted by the CRO to attend.

- (4) No person other than—
 - (a) the CRO and his clerks,
 - (b) the candidates and their husbands or wives,

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- (c) the election agents,
- (d) the counting agents, and
- (e) any person authorised by the Electoral Commission⁽⁷⁾ to attend at the counting of the votes as a representative of the Commission,

may be present at the counting of the votes under paragraphs (2) to (15) of rule 43, unless permitted by the CRO to attend.

(5) A person not entitled to attend at the proceedings under rule 43(1) (the local count) or the counting of the votes shall not be permitted to do so by the CRO unless the CRO—

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

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

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

The local count

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

- (a) in the presence of the counting agents appointed for the purposes of the London Members election and each relevant election or referendum, open each ballot box and record separately the number of ballot papers used in the London Members election and each relevant election or referendum;
- (b) in the presence of the election agents appointed for the purposes of the London Members election and each relevant election or referendum verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at the London Members election and each relevant election or referendum;
- (d) separate the ballot papers relating to the London Members election and each relevant election or referendum;
- (e) make up into packets the ballot papers for each other election or referendum and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;
- (f) deliver or cause to be delivered to the returning officer for the other election or referendum to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that other election or referendum; and
- (g) at the same time deliver to that officer packets that so relate containing—
 - (i) the unused and spoilt ballot papers,
 - (ii) the tendered ballot papers, and

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

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(iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

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

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

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

- (a) on receipt of the containers of ballot papers from the returning officer who does discharge those functions, and after the time specified in the notice given by him in writing to the counting agents as that after which he will begin to count the votes and the place at which the count will take place if by then he has received the ballot papers, open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at a relevant election or referendum under regulation 65 of the Representation of the People Regulations 2001⁽⁸⁾, or under that regulation as applied by regulations made under sections 44 and 105, or 45 and 105, of the Local Government Act 2000⁽⁹⁾, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them,

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

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

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

(6) Where separate ballot boxes are used for votes cast under these Rules, and those cast at any relevant election or referendum, the ballot boxes from each polling station shall be opened together and the ballot papers (but not necessarily the votes on them) counted and verified together.

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

- (a) it is returned in the manner set out in paragraph (8) and reaches the CRO or any polling station in the appropriate area before the close of the poll; and
- (b) the declaration of identity, duly signed and authenticated, is also returned in the manner set out in paragraph (8), and reaches him or such a polling station before that time.

(8) The manner in which any postal ballot paper or declaration of identity may be returned—

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

(9) The CRO shall not count any tendered ballot paper.

(10) The CRO, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

⁽⁸⁾ S.I. 2001/341, to which there are amendments not relevant to these Rules.

⁽⁹⁾ 2000 c. 22. See the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (S.I. 2002/185) made under section 44 and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) made under section 45.

(11) The CRO shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(12) The CRO shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 5 in the afternoon and 10 on the following morning.

(13) At an ordinary election the hours between 5 in the afternoon and 10 on the following morning may be excluded under paragraph (12) only with the prior consent of the GLRO.

(14) During the time so excluded the CRO shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

(15) A “polling station in the appropriate area” in paragraph (7) means a polling station—

- (a) in the area common to the Assembly constituency, and parliamentary constituency⁽¹⁰⁾, local counting area, electoral area and voting area, as the case may be in which the polls at the GLA election and a relevant election or referendum are being taken together; and
- (b) in respect of which polls the voter has been issued with a postal ballot paper.

Rejected ballot papers

44.—(1) Any ballot paper—

- (a) which does not bear the official mark, or
- (b) on which votes are given for more than one party or individual candidate, or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (d) which is unmarked or void for uncertainty,

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

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a cross, or
- (c) by more than one mark,

shall not for such reason be void if an intention that the vote shall be for one only of the party or individual candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

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

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

- (a) want of an official mark;
- (b) voting for more than one party or individual candidate;

⁽¹⁰⁾ For the meaning of “parliamentary constituency”, see section 1 of the Parliamentary Constituencies Act 1986 (c. 56).

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- (c) writing or mark by which the voter could be identified;
- (d) unmarked or void for uncertainty,

and shall, as soon as practicable after its completion, inform the GLRO of its contents.

Decision on ballot papers

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

Re-count

46.—(1) A candidate or his election agent (including, in the case of a list candidate, the election agent for that list) or a counting agent authorised under rule 28(3) may, if present when the counting or any re-count of the votes is completed, require the CRO to have the votes re-counted or again re-counted but the CRO may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents and counting agents authorised under rule 28(3) present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Procedure at conclusion of local count

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

- (a) the total number of votes cast;
- (b) the total number of votes rejected under rule 44;
- (c) the number of votes given for each registered party by whom a party list was submitted; and
- (d) the number of votes cast for each individual candidate.

(2) As soon as practicable after completion of the statement, the CRO shall inform the GLRO of its contents.

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

- (a) inform such of the candidates and their election agents as are then present of the content of the statements prepared in accordance with rule 44 and paragraph (1) of this rule; and
- (b) give public notice of the contents of those statements.

Attendance at allocation of seats

48.—(1) The GLRO shall make arrangements for making the allocation of seats in the presence of the election agents of the individual candidates (including, in the case of a list candidate, the election agent for that list); and he shall give to those agents notice in writing of the time and place at which he will begin the allocation.

(2) No person other than—

- (a) the GLRO and his clerks,
- (b) the candidates,
- (c) the election agents,
- (d) the nominating officers of those registered parties standing nominated at the election, and

- (e) any person authorised by the Electoral Commission⁽¹¹⁾ to attend at the counting of the votes as a representative of the Commission, may be present at an allocation, unless permitted by the GLRO to attend.
- (3) A person not entitled to attend an allocation shall not be permitted to do so by the GLRO unless the GLRO—
 - (a) is satisfied that the efficiency of the allocation will not be impeded; and
 - (b) has either consulted the election agents or thought it impracticable to do so.

The calculation

49.—(1) As soon as the GLRO has received from every CRO the information required by rule 47 he shall calculate the London figure for each registered party by which a party list has been submitted for that election, and for each individual candidate.

(2) If at a contested election proof is given to the GLRO's satisfaction before the result of the election is declared that one of the persons named as an individual candidate in the ballot papers, or whose name appears on a party list, has died, then the GLRO shall make the calculation referred to in paragraph (1) without regard to that candidate.

(3) As soon as the GLRO has ascertained the result of the calculation, he shall inform such of the election agents for the candidates as are then present of the relevant figures and shall give them a reasonable opportunity to satisfy themselves as to the accuracy of the calculation.

(4) Where information of the description mentioned in paragraph (5)(e) is given in accordance with paragraph (3), the GLRO shall provide the persons to whom it was given with a statement containing—

- (a) the names of the persons concerned; and
 - (b) with respect to each such person, the name of the party from whose list his name has been omitted or treated as omitted, and the reason therefor.
- (5) In this rule, “the relevant figures” means—
- (a) the number of London votes given in the Assembly constituencies for each registered party by which a party list has been submitted for that election; and for each individual candidate at that election;
 - (b) in respect of each party by whom a party list has been submitted, the number of successful candidates to be constituency members—
 - (i) who were the subject of that party's authorisation under rule 6(4) of the Constituency Members Election Rules; and
 - (ii) whose particulars on the ballot paper included the party's registered emblem or, as the case may be, one of the party's registered emblems;
 - (c) the calculation of the London figure;
 - (d) any recalculation required by paragraph 8(3), or carried out in the circumstances mentioned in paragraph 8(8), of Schedule 2 to the 1999 Act; and
 - (e) the number of persons whose names have been omitted from, or (pursuant to paragraph 8(10) of Schedule 2 to the 1999 Act) who are to be treated as ceasing to be on, a party list.

⁽¹¹⁾ The Electoral Commission is established by section 1 of the Political Parties, Elections and Referendums Act 2000 (c. 41).