

## SCHEDULE 5

### Assembly election rules

## PART 3

### Contested elections

#### *Action to be taken before the poll*

#### **Notice of poll**

**32.**—(1) The appropriate returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and the hours during which the poll will be taken.

(2) In the case of a constituency election, the constituency returning officer shall also prepare and publish a notice (which may be combined with the statement of persons nominated under paragraph 16) setting out—

- (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 publishing such notice give a copy of it to each of the election agents.

(3) In the case of a regional election, the constituency returning officer for each Assembly constituency in the Assembly electoral region shall prepare and publish a notice (which may be combined with the statement of persons nominated under rule 17) setting out—

- (a) the situation of each polling station in the Assembly constituency for which he is returning officer; and
- (b) the description of voters entitled to vote there,

and he shall as soon as practicable after publishing such notice—

- (i) give a copy of it to each of the election agents; and
- (ii) deliver, or cause to be delivered, a copy of it to the regional returning officer.

(4) Where the polls at a constituency election and a regional election are to be taken together the notices prepared by a constituency returning officer under paragraphs (2) and (3) may be combined.

#### **Postal ballot papers**

**33.**—(1) Subject to paragraph (2), at an Assembly election the constituency returning officer shall in accordance with Schedule 3 issue to those entitled to vote by post—

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

in the appropriate forms set out in Schedule 10 together with such envelopes for their return in accordance with paragraph 11 of Schedule 3.

(2) In the case of a person who is entitled to give a constituency vote and an electoral region vote by post the provisions of paragraph (1) shall apply save the reference in paragraph (1) to “a ballot paper” shall be construed as a reference to a constituency ballot paper and a regional ballot paper and following references in this rule to “ballot paper” shall be construed accordingly.

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

(4) The constituency returning officer 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 and Welsh of any directions to and 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; or
- (d) the directions or guidance in any other form (including any audible form).

### **Provision of polling stations**

**34.**—(1) At an Assembly election the constituency returning officer 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 polling district shall be in the polling place for that district.

(4) The constituency returning officer 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**

**35.**—(1) At an Assembly election the constituency returning officer 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 by or on behalf of—

- (a) a candidate; or
- (b) a registered political party,

in or about the election.

(2) At a regional election the regional returning officer shall appoint and pay such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed in the circumstances described in paragraph (1)(a) or (b).

(3) The constituency returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a constituency returning officer so presiding with the necessary modifications as to things to be done by the constituency returning officer to the presiding officer or by the presiding officer to the constituency returning officer.

(4) 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 these rules 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**

**36.**—(1) At an Assembly election the constituency returning officer shall as soon as practicable after the publication of notice of the election send to electors and their proxies an official poll card.

(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) In accordance with the following provisions of this rule, the official poll card shall set out—
- (a) the name of the Assembly constituency or electoral region for which the election is to be held, or, where the polls at a constituency election and a regional election are to be taken together, both such areas;
  - (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, not relating to any candidate or registered political party, as the constituency returning officer considers appropriate,

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

(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the official poll card shall contain such matter as is specified in the appropriate form referred to in paragraph (5), (6), (7) or (8).

(5) The official poll card issued to an elector shall be in form CN1 set out in English and Welsh in Schedule 10.

(6) The official poll card issued to the proxy of an elector shall be in form CN2 set out in English and Welsh in Schedule 10.

(7) The official postal poll card issued to an elector shall be in form CN3 set out in English and Welsh in Schedule 10.

(8) The official postal poll card issued to the proxy of an elector shall be in form CN4 set out in English and Welsh in Schedule 10.

(9) In this rule—

“elector” means a person—

- (a) who is registered in the register for the Assembly constituency or as the case may be, Assembly electoral region on the last day for publication of notice of the election in question; and
- (b) includes a person then shown in that 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.

### **Equipment of polling stations**

**37.**—(1) At an Assembly election the constituency returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the constituency returning officer's opinion may be necessary.

(2) Where the polls at a constituency election and a regional election are to be taken together, the same ballot box may be used for the receipt of ballot papers at the regional election and at the constituency election if the constituency returning officer so determines and a determination may make different provision for different polling stations.

(3) Where separate ballot boxes are to be used for the receipt of ballot papers at a constituency election and at a regional election, each ballot box shall be clearly marked with—

- (a) the Assembly election to which it relates; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma”.

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

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

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- (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 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); and
- (d) a list consisting of that part of the list prepared under rule 27 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 in the form CO set out in Schedule 10.

(6) The reference in paragraph (5)(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 in respect of alterations to the register.

(7) The constituency returning officer shall for the assistance of voters who are partially-sighted provide each polling station with—

- (a) at least one large version of the ballot paper which complies with the relevant provision of article 141(6) and which shall be displayed inside the polling station;
- (b) an enlarged hand-held copy of the ballot paper which complies with the relevant provisions of article 141(7) and (8); and
- (c) a device of the description set out in paragraphs (8) and (9), 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 48(1)).

(8) The device referred to in paragraph (7)(c) must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(9) On one side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (10) to (13).

(10) 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—

- (a) in the case of a constituency election, the particulars of a constituency candidate; or,
- (b) in the case of a regional election—
  - (i) the name or names or, as the case may be, description of a registered political party; or
  - (ii) the particulars of an individual candidate,

and on which the vote is to be marked (“the relevant space”).

(11) Each tab shall be numbered so that when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate, or as the case may be, registered political party, whose details (as referred to in paragraph (10)) are to the left of the relevant space covered by the tab in question.

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

(13) Each tab shall 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.

(14) A notice in the form of form CP set out in English and Welsh in Schedule 10, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(15) Where there is a contested constituency election, in every compartment of every polling station there shall be exhibited the notice—

- (a) in the case where votes are also given at the polling station in respect of a contested regional election—
- “Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.
- Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth Iliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; or
- (b) in any other case—
- “Vote for one candidate only on the ballot paper. Put no other mark on the ballot paper or your vote may not be counted.
- Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.
- (16) Where there is a contested regional election, in every compartment of every polling station there shall be exhibited the notice—
- (a) in the case where votes are also given at the polling station in respect of a contested constituency election—
- “Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.
- Pleidleisiwch unwaith yn unig ar y papur pleidleisio rhanbarthol Iliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; or
- (b) in any other case—
- “Vote once only on the ballot paper. Put no other mark on the ballot paper or your vote may not be counted.
- Pleidleisiwch unwaith yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.
- (17) The appropriate statement of persons nominated referred to in rule 16 and rule 17 shall be printed in conspicuous characters and exhibited inside and outside every polling station.

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

- 38.**—(1) Subject to paragraph (2), at a constituency election each candidate may, before the commencement of the poll, 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 the votes.
- (2) The constituency returning officer may limit the number of counting agents that may be appointed under paragraph (1), so that—
- (a) the number shall be 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.
- (3) Subject to paragraph (4), at a regional election each—
- (a) individual candidate; and
- (b) election agent for a registered political party standing nominated,

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may, before the commencement of the poll, appoint in relation to each Assembly constituency in the Assembly electoral region—

- (i) polling agents to attend at polling stations for the purpose of detecting personation; and
- (ii) counting agents to attend at the counting of the votes.

(4) The constituency returning officer may, in relation to the Assembly constituency for which he is the returning officer, limit the number of counting agents that may be appointed under paragraph (3), so that—

- (a) the number shall be the same in the case of each individual candidate or registered political party; and
- (b) the number allowed to an individual candidate or registered political party shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the total of the number of individual candidates and registered political parties standing nominated.

(5) Notice in writing of an appointment under paragraph (1) or (3), stating the name and address of the person appointed, shall be given by the person making the appointment to the constituency returning officer and shall be so given not later than the second day (computed like any period of time set out in the Table in rule 1(1)) before the day of the poll.

(6) If an agent dies, or becomes incapable of acting, the person who appointed him may appoint another agent in his place, and shall forthwith give to the constituency returning officer notice in writing of the name and address of the agent appointed.

(7) Any appointment authorised by this rule to be made by a constituency or an individual candidate may be made, and the notice of appointment given to the constituency returning officer, by the candidate's election agent instead of by the candidate.

(8) In the following provisions of these rules references to polling 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 number.

(9) Any notice required to be given to a counting agent by the constituency returning officer may be delivered at or sent by post to the address stated in the notice of appointment.

(10) Any candidate may do himself any act or thing which any polling or counting agent, if appointed by him or on his behalf, would have been authorised to do, or may assist such agent in doing any such act or thing.

(11) An election agent for a constituency or an individual candidate or a registered political party standing nominated may do or assist in doing anything which a polling or counting agent of that candidate or party 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 such an election agent instead of such polling or counting agents.

(12) 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 agents or agent 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**

**39.** At an Assembly election the constituency returning officer shall make such arrangements as he thinks fit to ensure that—

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- (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 in writing of the provisions of article 35(1), (3) and (6); 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 in writing of the provisions of article 35(2) and (6).

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

**40.**—(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 constituency returning officer must mark the appropriate list accordingly.

(2) Rule 55(6) does not apply for the purposes of determining whether, for the purposes of this paragraph, a postal vote or a proxy postal vote is returned.