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STATUTORY INSTRUMENTS

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**2016 No. 219**

**The European Union Referendum (Conduct) Regulations 2016**

**PART 2**

**REGULATIONS FOR THE CONDUCT OF THE  
REFERENDUM IN THE UNITED KINGDOM**

*The poll*

**Tendered ballot papers**

**37.**—(1) In the following cases a person is entitled to mark a ballot paper (referred to in this Part as a “tendered ballot paper”) in the same manner as any other voter if—

- (a) in cases 1 to 7, the person satisfactorily answers the questions permitted by law to be asked at the poll;
- (b) in case 8, the person satisfactorily answers the questions permitted by law to be asked at the poll other than the question at entry (1)(c) in the table in regulation 29.

Regulation 38 makes further provision about tendered ballot papers.

(2) Case 1 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims—
  - (i) to be a particular elector named on the register, and
  - (ii) not to be named in the postal voters list or the list of proxies, and
- (c) another person has already voted in person either as that elector or as proxy for that elector.

(3) Case 2 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims to be—
  - (i) a particular person named in the list of proxies as proxy for an elector, and
  - (ii) not entitled to vote by post as proxy, and
- (c) another person has already voted in person either as that elector or as proxy for that elector.

(4) Regulation 32 applies in relation to a voter in Northern Ireland who seeks to mark a tendered ballot paper in reliance on Case 1 or 2 as it applies in relation to a voter who applies for a ballot paper under regulation 31.

(5) Case 3 is that—

- (a) a person applies for a ballot paper,
- (b) the person claims to be a particular elector named on the register,
- (c) the person is also named in the postal voters list, and

- (d) the person claims not to have made an application to vote by post.
- (6) Case 4 is that—
  - (a) a person applies for a ballot paper,
  - (b) the person claims to be a particular person named as a proxy in the list of proxies,
  - (c) the person is also named in the proxy postal voters list, and
  - (d) the person claims not to have made an application to vote by post as proxy.
- (7) Case 5 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
  - (a) a person claims to be a particular elector named on the register and also named in the postal voters list, and
  - (b) the person claims to have lost or not received the postal ballot paper.
- (8) Case 6 is that, before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper—
  - (a) a person claims to be a particular person named as a proxy in the list of proxies and also named in the proxy postal voters list, and
  - (b) the person claims to have lost or not received the postal ballot paper.
- (9) Case 7 is that—
  - (a) a person applies for a ballot paper in Northern Ireland, and
  - (b) there has been a refusal under paragraph (2) of regulation 32 (including that paragraph as applied by regulation 35 or 36 or this regulation) by a presiding officer.
- (10) Case 8 is that—
  - (a) a person applies for a ballot paper in Northern Ireland, and
  - (b) the person fails to answer the question at entry 1(c) in the table in regulation 29 satisfactorily.
- (11) In the case of an elector who has an anonymous entry, the references in this regulation to a person named on a register or list are to be read as references to a person whose number appears on the register or list (as the case may be).
- (12) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) or 13BA(9) of the 1983 Act, the references in this regulation to a person named on the register are to be read as references to a person in respect of whom such a notice has been issued.
- (13) This regulation does not apply in relation to an elector who has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland.