

## SCHEDULE 1

### THE REGIONAL ASSEMBLY AND LOCAL GOVERNMENT REFERENDUM RULES

## PART 2

### *Return of Ballot Papers*

#### **Use of schools and public rooms**

**20.**—(1) The counting officer may use, free of charge, for the purpose of providing assistance and delivery points, contingency delivery points, 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; or
- (b) a room the expense of maintaining which is met by any local authority.

(2) The counting officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as is referred to in paragraph (1) by reason of its being used for a purpose mentioned in that paragraph.

#### **Provision of assistance and delivery points**

**21.**—(1) The counting officer shall provide a number of assistance and delivery points in each voting area for the delivery by hand of ballot papers and at which the facilities specified in rules 24, 27 and 28 are provided (in these Rules called an “assistance and delivery point”).

(2) The number of assistance and delivery points provided in each voting area shall be—

- (a) one for every 50,000 persons entitled to vote at the referendum in that area; and
- (b) a further one, where, in that area, the number of persons entitled to vote at the referendum exceeds a multiple of 50,000.

(3) The counting officer may provide additional assistance and delivery points as he thinks fit.

(4) Where there are combined polls, any assistance and delivery point provided in the voting area for the combined polls shall be used for both of the referendums.

(5) Where the counting officer provides a mobile additional assistance and delivery point it shall be open on such dates, times and at such locations as the counting officer shall decide.

(6) Except as provided in paragraph (5), each assistance and delivery point shall be open—

- (a) on the date of the referendum between 7 a.m. and 10 p.m.; and
- (b) on every day, except Saturday and Sunday, from the seventh day before the date of the referendum to the day before the date of the referendum, between 9 a.m. and 5 p.m. and such other hours (if any) as the counting officer shall decide.

(7) Any assistance and delivery point may also be open—

- (a) on such other days before the date of the referendum, including a Saturday or Sunday mentioned in paragraph (6)(b); and
- (b) at such times on those days,

as the counting officer shall think fit.

(8) Where the counting officer concludes that it is not reasonably practicable to use or continue to use an assistance and delivery point (“the original assistance and delivery point”), he shall—

- (a) substitute for the original assistance and delivery point an alternative assistance and delivery point (“the substitute assistance and delivery point”), which is as close as is reasonably possible to the original assistance and delivery point; and
- (b) by posting a notice at the original assistance and delivery point, and at such other places and by such other means as he considers are appropriate to draw the change to the attention of voters in his voting area, give public notice—
  - (i) of the addresses of the substitute assistance and delivery point and the original assistance and delivery point; and
  - (ii) that the original assistance and delivery point is no longer available for use for delivery by hand of ballot papers and that the substitute assistance and delivery point should be used in its place.

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

**22.**—(1) The counting officer shall appoint and pay—

- (a) a presiding officer to attend at each assistance and delivery point; and
- (b) such clerks as may be necessary for the purposes of the referendum,

but he shall not appoint any person who has been employed by or on behalf of a permitted participant in or about the Regional Assembly referendum or any local government referendum held in that region on the same date.

(2) The persons appointed pursuant to paragraph (1)(b) shall include such persons (if any) as may be necessary to provide, maintain or repair any computer hardware or software, data, equipment or other services in use for the purposes of the referendum.

(3) The counting officer may, if he thinks fit, preside at an assistance and delivery point and the provisions of these Rules relating to a presiding officer shall apply to a counting officer so presiding with the necessary modifications as to things to be done by the counting officer to the presiding officer or by the presiding officer to the counting officer.

(4) The counting officer may, if he thinks fit, perform the functions of a supervising clerk under rule 30, at a contingency delivery point.

(5) A presiding officer may do, by the clerks appointed to assist him, any act which he is required or authorised by these Rules to do at an assistance and delivery point, except order the arrest, exclusion or removal of any person from that place.

### **Appointment of counting agents**

**23.**—(1) Subject to paragraphs (2) and (3), each referendum agent may, before the commencement of the poll, appoint counting agents to attend at the counting of the votes at the referendum.

(2) The counting officer may limit the number of counting agents, so however that—

- (a) the number shall be the same in the case of each referendum agent; and
- (b) the number allowed to a referendum agent 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 referendum agents.

(3) For the purposes of the calculations required by paragraph (2)(b), a counting agent who has been appointed for more than one referendum agent is a separate agent for each of the referendum agents by whom he has been appointed.

(4) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the referendum agent to the counting officer and shall be so given not later than the fifth day before the date of the referendum.

(5) If an agent dies, or becomes incapable of acting, the referendum agent may appoint another agent in his place, and shall forthwith give to the counting officer notice in writing of the name and address of the agent appointed.

(6) In the following provisions of these Rules, references to 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.

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

(8) A referendum agent may do or assist in doing anything which a counting agent of his is authorised to do; and anything required or authorised by these Rules to be done in the presence of the counting agents may be done in the presence of a referendum agent instead of his counting agents.

(9) Where by these Rules any act or thing is required or authorised to be done in the presence of the 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.

#### **Equipment of assistance and delivery points**

**24.—**(1) The counting officer shall provide sufficient ballot boxes (delivery point ballot boxes) at every assistance and delivery point to receive the ballot papers and security statements delivered there.

(2) Where there are combined polls, the same delivery point ballot box shall be used at an assistance and delivery point for the receipt of ballot papers and security statements at those referendums.

(3) Every delivery point ballot box shall be so constructed that the ballot papers and security statements 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.

(4) On each day that an assistance and delivery point is open, each delivery point ballot box to be used there that day shall, before that delivery point is opened, be shown empty by the presiding officer to at least one other person, and shall be locked, where the box has a lock, and sealed by the presiding officer in the presence of that person.

(5) It shall be the duty of a presiding officer to—

(a) ensure each delivery point ballot box used for the receipt of ballot papers and security statements is placed in the presiding officer's view; and

(b) ensure the security of the delivery point ballot boxes at his assistance and delivery point.

(6) The counting officer shall provide each assistance and delivery point with—

(a) such number of compartments as may be necessary to enable voters who wish to mark their votes on their ballot papers in that place to do so screened from observation;

(b) materials to enable voters to mark the ballot papers;

(c) at least one large version of the ballot paper for the referendum, which shall be printed on paper of the same colour as the ballot paper and displayed inside the assistance and delivery point for the assistance of voters who are partially sighted;

- (d) a device that meets the description set out in paragraph (7) 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 28 (votes marked by companion)); and
  - (e) in the case of a local government referendum, any information provided by the Electoral Commission pursuant to section 9(6) of the Preparations Act relating to the options presented to voters in the local government referendum, which material shall be conspicuously displayed.
- (7) The tactile voting device referred to in paragraph (6)(d) 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 answer to which each such space refers; and
    - (iii) mark his vote on the space he has chosen.
- (8) A notice in the form set out in Form 6 in the Appendix, giving directions for the guidance of voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every assistance and delivery point.
- (9) In every compartment of every assistance and delivery point there shall be exhibited the following notice, adapted so far as circumstances require—
- “[Insert name of referendum in accordance with a direction given by the Chief Counting Officer]*
- (Mark one box on each ballot paper only.) (Mark one box only in answer to each question.) Put no other marks on (the ballot paper)(each ballot paper) or your vote(s) may not be counted.”.
- (10) Any notice or other document that is required to be exhibited or displayed pursuant to this rule may also be exhibited or displayed in Braille or translated into such other languages as the counting officer may think fit, provided that those notices or documents are accurate reproductions in Braille or that other language of that notice or document.

#### **Admission to an assistance and delivery point**

**25.—**(1) The presiding officer shall exclude all persons from his assistance and delivery point except—

- (a) a person attending for the purpose of delivery of a ballot paper;
- (b) a person attending for the purpose of marking a ballot paper;
- (c) the companions of voters with disabilities;
- (d) any other person accompanying a person attending under sub-paragraph (a) or (b) that the presiding officer decides to admit;
- (e) the Chief Counting Officer;
- (f) the counting officer;
- (g) the referendum agents;
- (h) the clerks appointed to attend at the assistance and delivery point;
- (i) the constables on duty;
- (j) where there are combined polls, persons entitled to be admitted to the assistance and delivery point at each of the referendums; and

- (k) any person authorised by the Electoral Commission<sup>(1)</sup> to attend at an assistance and delivery point as a representative of the Commission.
- (2) The presiding officer shall regulate the number of persons to be admitted at the same time to his assistance and delivery point.

### **Keeping of order in assistance and delivery point**

- 26.**—(1) It is the presiding officer’s duty to keep order at his assistance and delivery point.
- (2) If a person misconducts himself in an assistance and delivery point, or fails to obey the presiding officer’s lawful orders, he may immediately, by the presiding officer’s order, be removed from the assistance and delivery point—
- (a) by a constable in or near that assistance and delivery point; or
  - (b) by any other person authorised in writing by the counting officer to discharge this function, and the person so removed shall not, without the presiding officer’s permission, again enter that assistance and delivery point that day, or, on the discretion of the counting officer, the person so removed shall not again enter that place, until after the close of the poll.
- (3) Any person so removed may, if charged with the commission in the assistance and delivery point 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 mark his ballot paper or complete his security statement at, or deliver his ballot paper or security statement to, an assistance and delivery point from having an opportunity of marking his ballot paper and completing his security statement at, or delivering his ballot paper and security statement to, that place.

### **Votes marked by presiding officer**

- 27.**—(1) The presiding officer at an assistance and delivery point, on the application of a voter who is incapacitated by blindness or other physical cause from voting in manner directed by these Rules or who declares orally that he is unable to read, shall (as far as necessary)—
- (a) cause the voter’s vote to be marked on a ballot paper in the manner directed by the voter;
  - (b) cause the voter’s security statement to be signed on the voter’s behalf; and
  - (c) cause the ballot paper and the voter’s security statement to be placed in the appropriate envelopes and placed in the delivery point ballot box.
- (2) Before providing the assistance mentioned in paragraph (1) the presiding officer shall be satisfied as to the voter’s identity.
- (3) The name and address 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 referred to as “the list of votes marked by the presiding officer”).
- (4) Where there are combined polls the same list may be used, and where it is used an entry in that list shall be taken to mean that votes were so marked in respect of both of the referendums, unless the list identifies the referendum at which a ballot paper was so marked.
- (5) In the case of a person voting as proxy for an elector, the name of the elector and the name and address of the person voting as proxy, shall be entered on the list.

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

### **Voting by persons with disabilities**

**28.**—(1) If a voter makes an application to the presiding officer at an assistance and delivery point to be allowed, on the ground of—

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

to mark his ballot and sign his security statement at that place 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
- (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 referendum,

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 purposes of these Rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), 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 on his own behalf at the referendum; 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 address 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) Where there are combined polls the same list may be used, and where it is used an entry in that list shall be taken to mean that the votes were so given in respect of both of the referendums, unless the list identifies the referendum at which the vote was so given.

(6) In the case of a person voting as proxy for an elector, the name of the elector and the name and address of the person voting as proxy, shall be entered on the list.

(7) The declaration made by the companion—

- (a) shall be in the form set out in Form 7 in the Appendix; 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.

### **Voters requesting assistance to vote**

**29.**—(1) If a voter makes an application to the counting officer to be allowed, on the ground of blindness, other physical incapacity or his inability to read, to vote with the assistance of a clerk, the

counting officer or one of his clerks shall attend at an agreed time and place to assist the voter, so far as the voter's circumstances require, in—

- (a) marking the voter's vote on the voter's ballot paper in the manner directed by the voter;
- (b) causing the voter's security statement to be signed on the voter's behalf;
- (c) causing the ballot paper (or ballot papers) and the voter's security statement to be placed in the appropriate envelopes.

(2) Before providing the assistance mentioned in paragraph (1)(a) the counting officer or his clerk shall be satisfied as to the voter's identity.

(3) On request, the counting officer or one of his clerks shall—

- (a) make arrangements for the delivery of a tactile voting device to a voter who is blind or partially sighted, at an agreed place and time;
- (b) explain to the voter how to use it; and
- (c) if so requested by the voter, assist him in so far as is necessary to ensure that the ballot paper and security statement are placed in the correct envelopes for their return.

(4) A clerk who attends on a voter under this rule shall be treated as if he were the counting officer for the purposes of delivery of a ballot paper and security statement by hand to the counting officer under article 5(2)(b) of the Regional Assembly and Local Government Referendums Order 2004.

(5) A voter assisted under this rule may hand to the counting officer or clerk attending on the voter his covering envelope as delivery by hand to the counting officer.

(6) The name and address in the register of electors of every voter whose vote is given with assistance under this rule shall be entered on a list (in these Rules referred to as "the list of voters requesting assistance to vote").

(7) The same list of voters requesting assistance to vote may be used for combined polls and, where it is used, an entry in that list shall be taken to mean that assistance was provided for both of the referendums, unless the list identifies for which of the referendums the assistance was provided.

(8) In the case of a person voting as proxy for an elector, the name of the elector and the name and address of the proxy shall be entered on the list.

### **Contingency delivery points**

**30.**—(1) In the event of industrial action or other disruption that effects the conduct of the poll, the counting officer may provide contingency places for the delivery of ballot papers by hand (in these Rules referred to as "contingency delivery points").

(2) Where there are combined polls, any contingency delivery point provided in the voting area for the combined polls shall be used for both referendums.

(3) The counting officer shall advertise the addresses and opening dates and times of the contingency delivery points by such means as he considers appropriate.

(4) The counting officer shall appoint at least one clerk to supervise at each contingency delivery point (in these Rules called the "supervising clerk").

(5) The counting officer shall provide sufficient ballot boxes (delivery point ballot boxes) at every contingency delivery point to receive the ballot papers delivered there.

(6) The same delivery point ballot box shall be used at a contingency delivery point for the receipt of ballot papers at the combined polls.

(7) Every delivery point ballot box shall be so constructed that the ballot papers and security statements 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.

(8) Before they are delivered to a contingency delivery point, each delivery point ballot box to be used there shall be shown empty by the counting officer to at least one other person and shall be locked, where the box has a lock, and sealed by the counting officer in the presence of that person.

(9) The counting officer shall make such arrangements as may be necessary to ensure the security of the ballot box during delivery to the supervising clerk.

(10) It shall be the duty of a supervising clerk to—

(a) ensure each delivery point ballot box used for the receipt of ballot papers and security statements is placed in the supervising clerk's view; and

(b) ensure the security of the delivery point ballot boxes at his contingency delivery point.

(11) As soon as practicable after the close of a contingency delivery point each day, the supervising clerk at the contingency delivery point shall deliver, or cause to be delivered to the counting officer, in accordance with arrangements for delivery approved by the counting officer, any delivery point ballot boxes in his custody at the contingency delivery point.

(12) Before he removes (or causes to be removed) any delivery point ballot box from a contingency delivery point, the supervising clerk shall seal the box unopened (but with the key, if any, attached), in such a manner as will prevent any further ballot papers being introduced into the box, with a seal provided by the counting officer, and the seal of such referendum agents present as desire to affix their seals.

### **Spoilt ballot papers**

**31.**—(1) If a voter has inadvertently dealt with his ballot paper for a referendum in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) he may return (either by hand or by post) to the counting officer the spoilt ballot paper.

(2) A voter who returns his spoilt ballot paper under paragraph (1) shall return the security statement and, where there are combined polls, the ballot paper issued to him for the other poll, whether spoilt or not.

(3) On receipt of the documents referred to in paragraphs (1) and (2), the counting officer shall issue a replacement ballot pack for the referendum or the combined polls (as the case may be), if—

(a) the counting officer is satisfied that the voter is the person to whom the ballot paper referred to in paragraph (1) was issued;

(b) the counting officer is satisfied that the voter has returned all the ballot papers which he received;

(c) the documents are received no later than—

(i) 5 p.m. on the day before the date of the referendum where returned by post; or

(ii) one hour before the close of the poll where returned by the voter in person.

(4) Rule 19 shall apply for the delivery to the voter of a replacement ballot pack under paragraph (3), except that where the voter applies in person the counting officer may instead hand the replacement ballot pack to him.

(5) The counting officer shall immediately cancel the spoilt ballot paper and the security statement relating to it and, at combined polls, any other ballot paper issued with it.

(6) The counting officer, as soon as practicable after cancelling those documents and issuing a replacement ballot pack, shall—

(a) make up the cancelled documents in a separate packet (“the packet of spoilt ballot papers”) and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned in paragraph (5), the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed;



- (b) record on the list of ballot numbers issued that the ballot number applying to the cancelled documents is no longer valid;
  - (c) record on the list of ballot numbers issued the ballot number applying to the replacement ballot pack issued to the voter and to which voter it was issued.
- (7) The counting officer shall enter in a list kept for the purpose (“the list of spoilt ballot papers”)
- (a) the name and number of the elector as stated in the register;
  - (b) the ballot number of the spoilt ballot papers and replacement ballot papers issued under this paragraph; and
  - (c) where the voter whose ballot paper is spoilt is a proxy, the proxy’s name and address.
- (8) Where a voter by reason of blindness or physical disability cannot reasonably be expected to apply by post or attend in person upon the counting officer, the counting officer on receipt of a request shall attend or make arrangements for one of his clerks to attend on the voter at an agreed time and place to enable an application to be made under this rule.

### **Lost or undelivered ballot papers**

- 32.**—(1) Where a voter—
- (a) has not received his ballot pack, or
  - (b) has received his ballot pack and lost one or more ballot papers or the security statement issued to him,
- he may apply in person to the counting officer for a replacement ballot pack, in place of the ballot pack mentioned in sub-paragraphs (a) or (b) (referred to in these Rules as a “lost ballot pack”).
- (2) An application shall be made—
- (a) not earlier than the third day before the date of the referendum; and
  - (b) not later than one hour before the close of the poll.
- (3) When making an application under this rule a voter shall return to the counting officer any ballot paper and security statement in his possession for the referendum or combined polls (as the case may be), which he has received and not lost.
- (4) A voter applying under this rule shall provide evidence to the counting officer of the voter’s identity.
- (5) Where on an application under this rule the counting officer is satisfied as to the voter’s identity, he shall issue the voter with a replacement ballot pack.
- (6) As soon as practicable after issuing a replacement ballot pack, the counting officer shall—
- (a) cancel the lost ballot pack, by recording on the list of ballot numbers issued that the ballot number on the ballot pack (including any documents returned pursuant to paragraph (3)) is no longer valid;
  - (b) mark upon any documents returned in accordance with paragraph (3) that they are cancelled, place those documents in a separate packet (“the packet of returned lost documents”) and seal the packet; and if on any subsequent occasion documents are returned pursuant to paragraph (3), the sealed packet shall be opened and the additional returned documents included in it and the packet shall be again made up and sealed;
  - (c) record on the list of ballot numbers issued the ballot number applying to the replacement ballot pack and the name of the voter to which it was issued.
- (7) The counting officer shall enter in a list kept for the purpose (“the list of lost ballot papers”) the following information—

- (a) the name and number of the elector as stated in the register;
- (b) the ballot number of the lost ballot pack;
- (c) the ballot number of the replacement ballot pack issued under this rule; and
- (d) where the voter in relation to a lost ballot pack is a proxy, his name and address.

(8) Rule 19 shall apply for the delivery to the voter of a replacement ballot pack under paragraph (5), except that the counting officer may instead hand a replacement ballot pack to him.

(9) Where a voter by reason of blindness or physical disability cannot reasonably be expected to attend in person upon the counting officer, the counting officer on receipt of a request shall attend or make arrangements for one of his clerks to attend on the voter at an agreed time and place to enable an application to be made under this rule.

(10) Where an application is made to a clerk under paragraph (9), paragraphs (3) to (5) shall apply as if, for references to the counting officer, there were substituted references to the clerk.

### **Cancelled ballot papers**

**33.**—(1) A ballot paper which has been cancelled in accordance with rules 31 or 32 (spoilt and lost ballot papers) shall be referred to in these Rules as a “cancelled ballot paper”.

(2) The counting officer shall keep a list showing only the ballot numbers of the cancelled ballot papers and the list shall be referred to in these Rules as the “list of cancelled ballot papers”.

### **Procedure on close of an assistance and delivery point during polling**

**34.** As soon as practicable after the close of an assistance and delivery point on a day other than the date of the referendum, the presiding officer shall—

- (a) seal with his seal each delivery point ballot box in use at the assistance and delivery point, so as to prevent the introduction of additional ballot papers or security statements;
- (b) enable such referendum agents present as desire to affix their seals to also affix their seals to the delivery point ballot boxes;
- (c) deliver, or cause to be delivered to the counting officer, the delivery point ballot boxes unopened (but with the key, if any attached) and sealed as described in sub-paragraphs (a) and (b); but where the ballot boxes are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery shall require the counting officer’s approval; and
- (d) secure the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer and the declarations made by the companions of voters with disabilities, until the next day on which the assistance and delivery point is open.

### **Procedure on close of an assistance and delivery point on close of poll**

**35.**—(1) As soon as practicable after an assistance and delivery point is closed for the last time, whether at the close of the poll or earlier, the presiding officer shall—

- (a) make up into a packet and seal with his own seal—
  - (i) the list of voters with disabilities assisted by companions;
  - (ii) the list of votes marked by the presiding officer;
  - (iii) 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
  - (iv) the declarations made by companions of voters with disabilities; and

- (b) before removing any delivery point ballot box from the assistance and delivery point, seal any delivery point ballot box unopened (but with the key, if any, attached), in such a manner as will prevent any further ballot papers being introduced into the box.
- (2) The packets and delivery point ballot boxes referred to in paragraph (1) may also be sealed at that time with the seal of such referendum agents present as desire to affix their seals.
- (3) The presiding officer shall then deliver, or cause to be delivered, to the counting officer the packets and delivery point ballot boxes referred to in paragraph (1); but where they are not delivered by the presiding officer personally to the counting officer, the arrangements for their delivery shall require the counting officer's approval.