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DRAFT STATUTORY INSTRUMENTS

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**2016 No.**

The European Union Referendum (Conduct) Regulations 2016

PART 3

ABSENT VOTING IN THE REFERENDUM IN THE UNITED KINGDOM

CHAPTER 1

GREAT BRITAIN

**Voting as proxy**

**66.**—(1) A person entitled to vote as proxy for another (the “principal”) in the referendum may do so in person at the polling station allotted to the principal under Part 2 unless the proxy is entitled to vote by post as proxy for the principal in the referendum, in which case the proxy may vote by post.

(2) Where a person is entitled to vote by post as proxy for the principal in the referendum, the principal may not apply for a ballot paper for the purpose of voting in person in the referendum.

(3) For the purposes of this Chapter of this Part and the 1983 Act a person entitled to vote as proxy for another in the referendum is entitled so to vote by post if the person is included in the list kept under paragraph (6).

(4) Where a person applies to the registration officer to vote by post as proxy in the referendum the officer must grant the application if—

- (a) the officer is satisfied that the principal is or will be registered in a relevant register,
- (b) the applicant is the subject of a relevant proxy appointment within the meaning of regulation 65(2), and
- (c) the application contains the applicant’s signature and date of birth and meets the requirements prescribed by the relevant regulations.

(5) A person who is the subject of a relevant proxy appointment within the meaning of regulation 65(2)(b), (c) or (d) and who—

- (a) is included in the record kept under paragraph 7(6) of Schedule 4 to the RPA 2000 (record of proxies who have applied to vote by post) in respect of parliamentary elections,
- (b) is included in the record kept under paragraph 7(6) of Schedule 4 to the RPA 2000 (record of proxies who have applied to vote by post) in respect of local government elections, or
- (c) is included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004 (record of proxies who have applied to vote by post),

may apply to the registration officer for his or her referendum ballot paper to be sent to a different address from that shown in the record, and the officer must grant the application if it meets the requirements prescribed by the relevant regulations.

(6) The registration officer must, in respect of the referendum, keep a special list (“the proxy postal voters list”) of those within column 2 of the following table, together with the addresses provided as mentioned in column 3 as the addresses to which their ballot papers are to be sent.

|   | <i>Description of proxy postal voters</i>  | <i>Address</i>  |
|---|--|---|
| 1 | A proxy whose application under paragraph (4) has been granted.  | Address provided in the proxy’s application under paragraph (4).  |
| 2 | A proxy who—<br>(a) was appointed as mentioned in column 3 of entry 2 in the table in regulation 63(3) for a person mentioned in column 2 of that entry, and<br>(b) is included in the proxy postal voters list for the poll in respect of which that appointment was made.  | Address provided in the proxy’s application to vote by post as proxy in that poll.  |
| 3 | A proxy who—<br>(a) was appointed as mentioned in column 3 of entry 3 in the table in regulation 63(3) for a person mentioned in column 2 of that entry, and<br>(b) is for the time being included in the record kept under paragraph 7(6) of Schedule 4 to the RPA 2000 (record of proxies who have applied to vote by post). | Address provided in the proxy’s application under paragraph 7(4)(a) of Schedule 4 to the RPA 2000 or (as the case may be) paragraph (5) above.  |
| 4 | A proxy who—<br>(a) was appointed as mentioned in column 3 of entry 4 in the table in regulation 63(3) for a peer mentioned in column 2 of that entry, and<br>(b) is for the time being included in the record kept under paragraph 7(6) of Schedule 4 to the RPA 2000 (record of proxies who have applied to vote by post).   | Address provided in the proxy’s application under paragraph 7(4)(a) of Schedule 4 to the RPA 2000 or (as the case may be) paragraph (5) above.  |
| 5 | A proxy who—<br>(a) was appointed as mentioned in column 3 of entry 5 in the table in regulation 63(3) for a peer mentioned in column 2 of that entry, and<br>(b) is for the time being included in the record kept under paragraph 7(6) of Schedule 2 to the European Parliamentary Elections Regulations 2004.               | Address provided in the proxy’s application under paragraph 7(4)(a) of Schedule 2 to the European Parliamentary Elections Regulations 2004 or (as the case may be) paragraph (5) above. |

(7) In the case of a person who has an anonymous entry in a register, the special list mentioned in paragraph (6) must contain only—

- (a) the person’s electoral number, and
- (b) the period for which the anonymous entry has effect.

(8) Paragraph (2) does not prevent a person, at the polling station allotted to him or her, marking a tendered ballot paper in pursuance of regulation 37.

(9) The registration officer may dispense with the requirement under paragraph (4)(c) for the applicant to provide a signature if the officer is satisfied that the applicant—

- (a) is unable to provide a signature because of any disability the applicant has,

- (b) is unable to provide a signature because the applicant is unable to read or write, or
  - (c) is unable to sign in a consistent and distinctive way because of any such disability or inability.
- (10) The registration officer must also keep a record in relation to those whose applications under paragraph (4) have been granted showing—
- (a) their dates of birth, and
  - (b) except in cases where the registration officer in pursuance of paragraph (9) has dispensed with the requirement to provide a signature, their signatures.
- (11) The record kept under paragraph (10) must be retained by the registration officer for the period of twelve months beginning with the date of the poll for the referendum.