

## SCHEDULE 2

Article 13

### COMBINED POLLS

#### PART I

##### *General*

1. In this Schedule—

“the 1985 Act” means the Representation of the People Act 1985;

“counting agents” and “election agents” means the persons appointed as such for the purposes of the ordinary election;

“the ordinary election” means the ordinary election of councillors for any electoral ward of a London borough the poll at which is to be taken together with the poll at the referendum;

“the election rules” means the rules set out in Schedule 2 to the Local Elections (Principal Areas) Rules 1986;

“the referendum rules” means those rules insofar as they are applied, with or without modifications, in relation to the referendum by article 12; and

except where the context otherwise requires a reference to a numbered rule is a reference to the rule bearing that number in both the election rules and the referendum rules.

2. The application in relation to the referendum by article 12 of section 18 of the 1983 Act shall not have effect; and the polling districts and polling stations for the purposes of the referendum shall be the polling districts and polling stations constituted for the purposes of the ordinary election under section 31 of that Act.

3. In section 36(4) of the 1983 Act (including that subsection insofar as it is applied, with modifications, by article 12), the reference to expenditure includes expenditure incurred by the returning officer in relation to the taking together of the polls at the ordinary election and the referendum.

4. The ballot papers used at the referendum shall be of a different colour from that of the ballot papers used at the ordinary election.

5. The back of the ballot papers for the referendum (the form of which is set out in article 9(1)) may include a reference to the name of the electoral ward of the London borough which is the voting area for the purposes of the referendum.

6. The same ballot box shall be used for the polls at the referendum and the ordinary election.

7.—(1) Subject to sub-paragraph (2) below—

(a) where a person applies under subsection (1) of section 7 of the 1985 Act to vote by post, or to vote by proxy, at the ordinary election he shall be treated as applying also to vote by post, or to vote by proxy, at the referendum under that subsection (as applied, with modifications, by article 12); and

(b) where a person applies under that subsection (as so applied) to vote by post, or to vote by proxy, at the referendum he shall be treated as applying also to vote by post, or to vote by proxy, at the ordinary election under subsection (1) of section 7 of that Act.

(2) Sub-paragraph (1) above shall not have effect where the person making such an application as is mentioned in that sub-paragraph states to the registration officer that he is applying to vote by post, or to vote by proxy, only at the ordinary election or, as the case may be, only at the referendum.

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## PART II

### *Modification of Rules*

1. The election rules and the referendum rules shall have effect subject to the provisions of this Part.

2. The public notice given under paragraph (3) of rule 18 shall state that the polls at the referendum and the ordinary election are to be taken together.

3. For the purposes of rule 22 (issue of official poll cards), a single official poll card may be issued in respect of both the ordinary election and the referendum in the form in the Appendix to the election rules (or a form to the like effect) with the following modifications—

(a) on the front of the elector’s official poll card immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND GREATER LONDON REFERENDUM”; and

(b) on the back of that card—

(i) after “LOCAL GOVERNMENT ELECTION” insert “AND GREATER LONDON REFERENDUM”

(ii) in the second paragraph for “a ballot paper” substitute “two ballot papers of different colours” and for “on it before he gives it to you” substitute “on each of them before he gives them to you”

(iii) for the third paragraph substitute—

“Go to one of the voting compartments and read the ballot papers carefully.

On the [*specify colour*] ballot paper for the referendum mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.

On the [*specify colour*] ballot paper for the borough council election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. The ballot paper tells you how many candidates you may vote for. Do not vote for more than that number. Put no other mark on the ballot paper or your vote may not be counted.”;

(iv) in the fourth paragraph for “ballot paper” substitute “ballot papers”, for “mark” substitute “marks” and for “vote” substitute “votes”; and

(v) omit the fifth paragraph;

(c) on the front of the proxy’s official poll card after “LOCAL GOVERNMENT ELECTION” insert “AND GREATER LONDON REFERENDUM”; and

(d) on the back of that card, in the penultimate and final paragraphs after “this election” insert “and the referendum”.

4.—(1) In place of the notice required by paragraph (4) of rule 23 (equipment of polling stations) the following notice shall be printed in conspicuous characters and exhibited inside and outside every polling station—

#### “GUIDANCE FOR VOTERS

1. When you are given ballot papers, make sure that they are stamped with the official mark.
2. Take the ballot papers to one of the voting compartments and read them carefully.

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3. On the [*specify colour*] ballot paper for the referendum mark a cross (X) in the box to the right of the answer you are voting for. Put no other mark on the ballot paper or your vote may not be counted.

4. On the [*specify colour*] ballot paper for the borough council election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. The ballot paper tells you how many candidates to vote for. Do not vote for more than that number. Put no other mark on the ballot paper or your vote may not be counted.

5. Fold each ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot papers in the ballot box and leave the polling station.

6. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.

(2) For the purposes of paragraph (5) of that rule—

(i) the notice in respect of the referendum shall be of the same colour as the ballot paper to be used at the referendum; and

(ii) the notice in respect of the ordinary election shall include the heading “[*specify name of council*] COUNCIL ELECTION” and shall be of the same colour as the ballot paper to be used at that election.

5. The certificate to be produced and surrendered for the purposes of rule 26(3) shall be in the form in the Appendix to the election rules, or a form to the like effect, with the following modifications—

(a) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND GREATER LONDON REFERENDUM”;

(b) after “at the election” insert “and referendum”; and

(c) after “with the election” insert “and referendum”.

6. For the purposes of paragraph (1) of rule 31 (voting procedure), the same copy of the register of electors may be used for the poll at the referendum and the poll at the ordinary election and one mark may be placed in that register under paragraph (1)(d), or in the list of proxies under paragraph (1) (e), of that rule to denote that a ballot paper has been received in respect of both polls; except that, where a ballot paper has been issued in respect of one poll only, a different mark shall be placed in the register or in the list of proxies so as to identify the poll in respect of which the ballot paper was issued.

7. For the purposes of paragraph (2) of rule 32 (votes marked by presiding officer), the same list may be used for the poll at the referendum and the poll at the ordinary election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were marked in respect of each poll, unless the list identifies the poll at which the ballot paper was marked.

8.—(1) For the purposes of paragraph (4) of rule 33 (voting by blind persons), the same list may be used for the poll at the referendum and the poll at the ordinary election and, where it is so used, an entry in that list shall be taken to mean that the votes were given in respect of each poll, unless the list identifies the poll at which the vote was given.

(2) For the purposes of paragraph (5) of that rule, the form of declaration to be made by the companion of a blind voter shall be the form in the Appendix to the election rules with the following modifications—

(a) after “this electoral area” insert “and the referendum now being held in Greater London”; and

(b) after “said election” in each place insert “and that referendum”.

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**9.** For the purposes of paragraph (3) of rule 34 (tendered ballot papers), the same list may be used for the poll at the referendum and the poll at the ordinary election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were marked in respect of each poll, unless the list identifies the poll at which the tendered ballot paper was marked.

**10.—(1)** The contents of the packets referred to in paragraph (1)(b), (c) and (e) of rule 37 of the election rules (procedure on close of poll) shall not be combined with the contents of the packets made up under those sub-paragraphs of rule 37 of the referendum rules; nor shall the statement made under rule 37(3) of the election rules be combined with the statement made under rule 37(3) of the referendum rules.

(2) The packets made up under rule 37(1) of the referendum rules shall be delivered to the returning officer instead of the counting officer and, if they are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.

**11.—(1)** The returning officer shall, instead of the arrangements in rule 38(1) of the election rules, make arrangements for discharging the functions under paragraph 12 below in the presence of the counting agents and the counting observers as soon as practicable after the close of the poll and for counting the votes at that election in the presence of the counting agents; and he shall give those agents and observers notice in writing of the time and place at which he will begin to discharge those functions.

(2) No-one other than a person mentioned in article 10(3) or rule 38(2) of the election rules or a person permitted to attend by the returning officer may be present at the proceedings under paragraph 12 below; and the returning officer shall not permit a person to attend those proceedings unless he is satisfied that the efficient separating of the ballot papers will not be impeded and he has either consulted the election agents or thought it impracticable to do so.

**12.—(1)** This paragraph has effect in place of rule 39(1), (2) and (6).

(2) The returning officer shall—

- (a) in the presence of the counting agents and the counting observers open each ballot box and count and record separately the number of ballot papers used in each poll;
- (b) in the presence of the election agents and the counting observers, verify each ballot paper account in accordance with sub-paragraph (3) below;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each poll; and
- (d) separate the ballot papers relating to the ordinary election from the ballot papers relating to the referendum.

(3) The returning officer 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 or counting observer present at the verification may copy.

(4) If the returning officer has not been appointed as the counting officer, he shall make secure and proper arrangements for the delivery to the counting officer of all the ballot papers relating to the referendum together with the packets made up under rule 37(1)(b), (c) and (d) of the referendum rules, the ballot paper accounts in respect of the referendum and the statement as to the result of their verification.

(5) The returning officer shall mix together all of the ballot papers relating to the ordinary election and proceed in accordance with the election rules.

(6) The counting officer shall mix together all of the ballot papers relating to the referendum and proceed in accordance with article 10(3) to (5) and the referendum rules.

13.—(1) This paragraph has effect where, under rule 49(1) of the election rules—

- (a) the returning officer countermands the poll at an election at which a candidate has died; or
- (b) directs that poll to be abandoned;

and where this paragraph has effect, rule 49(2) of those rules shall not apply in relation to that election.

(2) Neither the countermand nor the direction mentioned in sub-paragraph (1) above shall affect the poll at the referendum.

(3) Where the poll at the election is abandoned, no further ballot papers for that election shall be delivered in any polling station and, at the close of the poll for the referendum, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at that election had not been abandoned and the returning officer shall dispose of ballot papers used at that election and other documents in his possession as he is required to do on the completion in due course of the counting of votes; but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
- (b) the returning officer having, where necessary, separated the ballot papers relating to the referendum shall take no step or further step for the counting of the ballot papers or of the votes relating to the election and shall seal up those ballot papers, whether the votes on them have been counted or not; and
- (c) it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

## PART III

### *Postal ballot papers*

1. The Representation of the People Regulations 1986 (including those Regulations insofar as they are applied, with or without modifications, in relation to the referendum by article 12) shall have effect subject to the provisions of this Part; and, in this Part, a reference to a numbered regulation is a reference to the regulation bearing that number in those Regulations.

2. The proceedings under Part V of those Regulations on the issue and receipt of postal ballot papers in respect of the ordinary election and of the referendum may be taken together.

3. Where the proceedings on the issue and receipt of postal ballot papers are taken together under paragraph 2 above—

- (a) the application by article 12 of regulation 80(1), and the modification of regulation 91(1) in column (2) of Table 4 of Schedule 1, shall not have effect;
- (b) for the purpose of regulation 83—
  - (i) one mark shall be placed in the absent voters list or the list of postal proxies under paragraph (1) of that regulation to denote that ballot papers have been issued in respect of the polls at the ordinary election and the referendum, except that where ballot papers are not so issued a different mark shall be placed in the absent voters list or list of postal proxies to identify the poll in respect of which the ballot paper was issued; and
  - (ii) the number of each ballot paper shall be marked on the declaration of identity under paragraph (2) of that regulation; and

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- (c) in regulations 85(1) and (2), 92(2), (3), (6)(c) and (7) and 94(2)(c) references to ballot papers shall be construed as references to the ballot paper for the ordinary election and the ballot paper for the referendum;
  - (d) if a postal voter exercises the entitlement conferred by paragraph (1) of regulation 89—
    - (i) he shall, together with the documents referred to in that paragraph, return all of the postal ballot papers issued to him, whether spoiled or not; and
    - (ii) on receipt of those documents, the returning officer shall issue other postal ballot papers except where the documents are received too late for other ballot papers to be returned before the close of poll; and
    - (iii) the spoiled postal ballot paper, and any other postal ballot paper issued with it under paragraph 2 above, the declaration of identity and the ballot paper envelope shall be immediately cancelled.
- 4.** Where the proceedings on the issue and receipt of postal ballot papers are taken together under paragraph 2 above, the declaration of identity for the purposes of rule 19 shall be in the form set out in the Appendix to the election rules with the following modifications—
- (a) on the front of the form—
    - (i) immediately below “REPRESENTATION OF THE PEOPLE ACTS” insert “LOCAL GOVERNMENT ELECTION AND GREATER LONDON REFERENDUM”;
    - (ii) for “Ballot Paper No.” substitute “Ballot Paper No(s).” and for “the ballot paper numbered as above was sent” substitute “the ballot papers numbered as above were sent”; and
    - (iii) after “WRITE CLEARLY” in both places insert “IN CAPITALS”
  - (b) on the back of the form—
    - (i) for paragraphs 2 and 3 substitute—
      - (a) On the [*specify colour*] ballot paper for the Greater London referendum mark a cross (X) in the box to the right of the answer you are voting for.
      - (b) On the [*specify colour*] ballot paper for the borough council election mark a cross (X) in the box on the right hand side of the ballot paper opposite the name(s) of the candidate(s) you are voting for. The ballot paper tells you how many candidates you may vote for. Do not vote for more than that number.
    - 3.** Put no other mark on the ballot papers or your votes may not be counted. Mark your ballot papers secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.”;
    - (ii) in paragraph 4 for “ballot paper” in each place substitute “ballot papers”;
    - (iii) in paragraph 5 after “ballot paper” insert “relating to the Greater London referendum or the borough council election” and for “the same election” substitute “the referendum or the election”;
    - (iv) in paragraph 6 after “election” insert “and the Greater London referendum”; and
    - (v) for paragraph 7 substitute—
      - “7. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for another one. To do this you **MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED**, including the spoiled ballot paper. In addition, in your application for fresh postal ballot papers

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you MUST RETURN, in your own envelope, the declaration of identity and the envelopes marked “A” and “B”. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.”.

5. Where the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2 above—

- (a) the colour of each postal ballot paper shall be marked on the declaration of identity sent with that paper;
- (b) the envelope referred to in regulation 85(1) shall also be marked “Covering envelope for the [*insert colour of ballot paper*] coloured ballot paper”; and
- (c) on the envelope referred to in regulation 85(2), after the words “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper*] coloured ballot paper”.

6. Where the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2 above, the declaration of identity for the purposes of rule 19 shall be in the form set out in the Appendix to the election rules or, as the case may be, the referendum rules, in each case with the following modifications—

- (a) on the front of the form, for “I hereby declare that I am the person to whom the ballot paper numbered as above was sent” substitute “To be returned with the [*insert colour of ballot paper*] coloured ballot paper No     I hereby declare that I am the person to whom the [*insert colour of ballot paper*] coloured ballot paper numbered as above was sent.”;
- (b) on the back of the form—
  - (i) after the end of the first sentence of paragraph 1, insert “*You are required to do this even if you have already signed a similar declaration of identity in respect of [the borough council election] [the Greater London referendum] to be held on the same day.*”
  - (ii) for paragraph 4 substitute—

“4. Different colours are used for the ballot papers for the borough council election and the Greater London referendum. Each ballot paper has its own ballot paper envelope (the smaller envelope marked “A”), declaration of identity and covering envelope (the larger envelope marked “B”). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the *colour* of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:

- (a) place [each] ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.”; and

(iii) for paragraph 5 substitute—

“5. If you receive more than one ballot paper relating to the borough council election or the Greater London referendum, remember that it is illegal to vote more than once (otherwise than as a proxy) at that election or referendum.”